

**A GLOBAL FORUM ON FIGHTING CORRUPTION:
SAFEGUARDING INTEGRITY AMONG JUSTICE AND SECURITY
OFFICIALS**

NATIONAL SECURITY FORCES PANEL



**25 February 1999
National Defense University
Fort Leslie J. McNair
Washington, DC**



**Office of the Deputy Assistant Secretary of Defense
Drug Enforcement Policy & Support**

Ms. Ana Maria Salazar, DASD (DEP&S)

DTIC QUALITY INSPECTED 1

**DISTRIBUTION STATEMENT A
Approved for Public Release
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20000223 015

REPORT DOCUMENTATION PAGE

Form Approved
OPM No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction searching existing data sources gathering and maintaining the data needed, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Report, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

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|---|--|---|----------------------------------|
| 1. AGENCY ONLY (Leave Blank) | 2. REPORT DATE 25 February 1999 | 3. REPORT TYPE AND DATES COVERED Final | |
| 4. TITLE AND SUBTITLE National Security Forces Panel A Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials | | 5. FUNDING NUMBERS N00174-98-D-0030 | |
| 6. AUTHORS Michael Lytle (Editor) | | | |
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Science Applications International Corporation, 4001 Fairfax Drive, Suite 600, Arlington, VA 22203 | | 8. PERFORMING ORGANIZATION REPORT NUMBER N/A | |
| 9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) DoD, Drug Enforcement Policy & Support (DEP&S) Office 2E538 Defense Pentagon Washington, DC 20310 | | 10. SPONSORING/MONITORING AGENCY REPORT NUMBER N/A | |
| 11. SUPPLEMENTARY NOTES N/A | | | |
| 12a. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; Distribution is unlimited. | | 12b. DISTRIBUTION CODE A | |
| 13. ABSTRACT (Maximum 200 words) On February 24-26, 1999, Vice President Albert Gore hosted in Washington D.C., the world's first conference to target corruption, specifically among police, prosecutors, judges, military personnel, customs officials, border guards, financial regulators, and budget and procurement officials. On February 25, 1999, specialty sessions were held at various locations in the Washington area, dealing with integrity and corruption issues specific to certain institutions. The National Security Forces Panel was hosted by DoD and convened at the National Defense University, Ft. McNair, Washington, D.C. Approximately 120 participants attended from at least 40 nations, including defense attaches, and senior military and civilian officials. The transcripts of the conference proceedings are contained within this report. | | | |
| 14. SUBJECT TERMS Corruption; Drugs; Albert Gore, Vice President; Law Enforcement; Military; National Defense; United Nations | | 15. NUMBER OF PAGES 91 | |
| | | 16. PRICE CODE | |
| 17. SECURITY CLASSIFICATION OF REPORT UNCLASSIFIED | 18. SECURITY CLASSIFICATION OF THIS PAGE UNCLASSIFIED | 19. SECURITY CLASSIFICATION OF ABSTRACT UNCLASSIFIED | 20. LIMITATION OF ABSTRACT UL |

NSN 7540-01-280-5500

Standard form 298 (Rev 2-89)
Prescribed by ANSI Std. Z39-18
299-01

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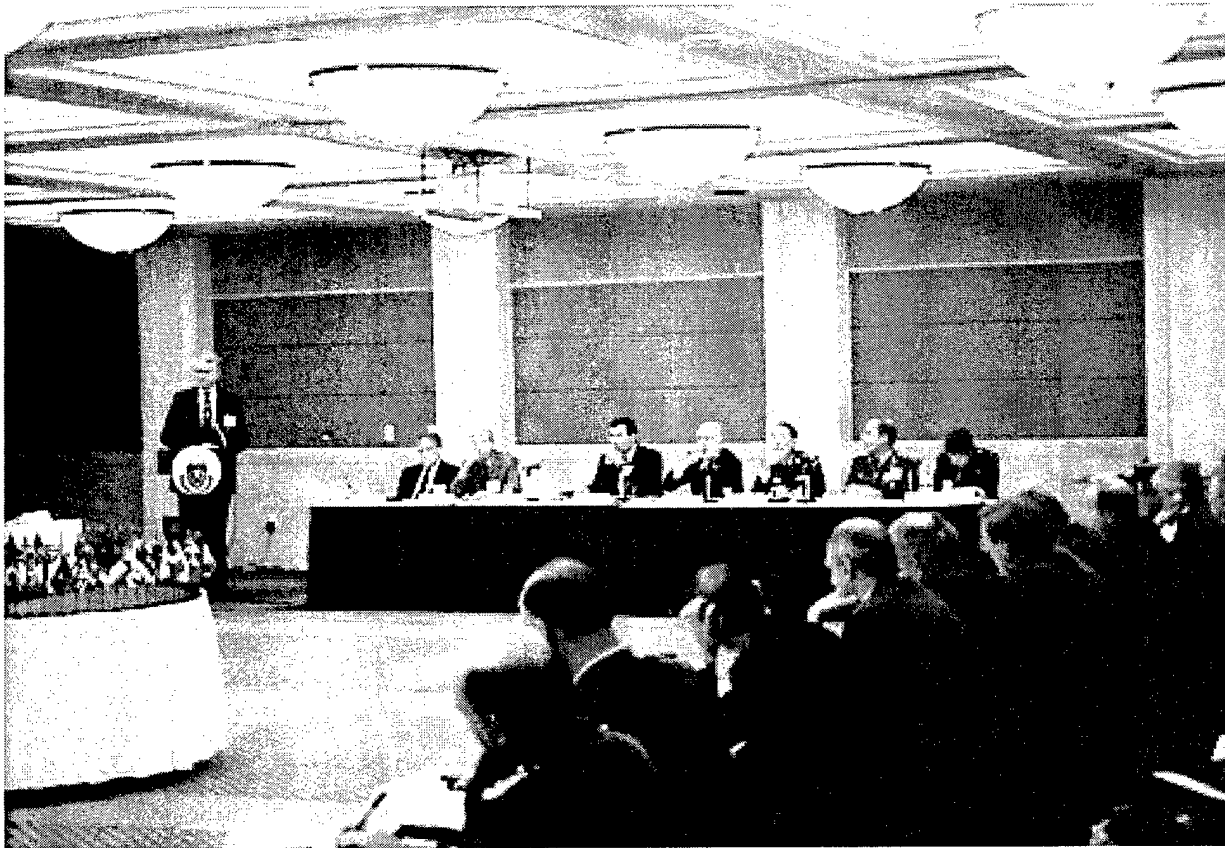


Photo: SPC Bradley Rhen, US Army

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Overview

On February 24-26, 1999, Vice President Albert Gore hosted in Washington D.C., the Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials. This Forum was the world's first conference to target corruption, specifically among police, prosecutors, judges, military personnel, customs officials, border guards, financial regulators, and budget and procurement officials.

During the plenary sessions held at the US Department of State, before attendees from over 90 countries, Vice President Gore indicated this conference builds on the hard work of the United Nations, the Organization of Economic Cooperation & Development, European Union, Organization of American States, the Global Coalition for Africa, Transparency International, and many others who are involved in the battle against corruption. Vice President Gore further remarked that, "corruption among government officials - those who are responsible for the rule of law--is one of the greatest threats to democracy. Only by acting together can we safeguard our common interest in the rule of law and protect our citizens from official corruption."

On February 25, 1999, Specialty sessions were held at various locations in the Washington area, dealing with integrity and corruption issues specific to certain institutions. These various breakout specialty sessions covered Integrity and Corruption Specific to:

- National Security Forces
- Judiciary
- Other Security Forces
- Customs Services
- Financial Regulatory Officials
- Procurement Officials

The National Security Forces Panel was hosted by the Department of Defense and convened at the National Defense University, Ft. McNair, Washington, D.C.. Approximately 120 participants attended from at least 40 nations, including defense attachés, and senior military and civilian officials.

Schedule Of Events

| | |
|------|--|
| 1500 | Buses depart from Pentagon with press |
| 1515 | Buses depart State Department |
| 1535 | Buses arrive Marshall Hall |
| 1545 | Everyone seated |
| 1550 | Secretary of the Army introduces Deputy Secretary of Defense |
| 1552 | Deputy Secretary of Defense Dr. Hamre begins keynote address |
| 1607 | Dr. Hamre concludes |
| 1610 | Secretary of the Army introduces panel – opening remarks |
| 1618 | Minister of Defense Lloreda's opening remarks |
| 1622 | Secretary Caldera/Minister Lloreda introduce first topic |
| 1627 | Dr. Blasco (Argentina) |
| 1639 | Secretary Caldera/Minister Lloreda introduce first topic |
| 1644 | Major General Azouqa (Jordan) |
| 1656 | General Leonel (Brazil) |
| 1708 | Secretary Caldera/Minister Lloreda introduce third topic |
| 1713 | General Teerawat (Thailand) |
| 1725 | Colonel Carter (Canada) |
| 1737 | Minister Lloreda wraps up |
| 1742 | Discussion |
| 1825 | Secretary Caldera offers concluding remarks |
| 1830 | Panel concludes |
| 1830 | Press availability w/Secretary Caldera and Minister Lloreda |
| 1845 | Reception |
| 1915 | Buses available to return to State |

News Release

Bradley A. Rhen, Pentagon Staff Writer

Panel Discusses Corruption in the Military

Deputy Secretary of Defense John Hamre, Secretary of the Army Louis Caldera and Colombian Minister of Defense Rodrigo Lloreda led a panel discussion on fighting corruption and safeguarding integrity in our national security forces Feb. 25 at George C. Marshall Hall on Fort McNair.

The discussion was part of Vice President Al Gore's conference on corruption, and Caldera and Lloreda were to brief Gore on the results of the meeting the following day, Feb. 26.

Over 120 dignitaries from foreign countries attended the event and Hamre, who gave the keynote address, said that while the United States was the sponsor, he did not want it to seem as though America had all the answers to issues such as this.

"The last thing I want to do is come across as arrogant, suggesting only we have the answers to this very tough problem - we don't," he said.

Hamre said the United States military is not perfect and; in fact, it has had to overcome several problems since the Vietnam War, including drug use, racial problems and fraudulent use of resources.

"Twenty-five years ago, I will tell you, we were a broken military," he said. "We had come out of the Vietnam War profoundly broken as an organization."

"Corruption", Hamre said, "is very hard not only to detect, but also to prevent." He said there are several factors in particular that can lead to corruption in military systems.

“That we live in a classified world, that we are command-oriented organizations, that we command large resources and that we live in a context that people profit from our decisions all create a very fertile soil for corruption,” he said.

Hamre said separation of power, extensive press coverage and that fact that the military has to get its funding from Congress all help to deter corruption in America’s military.

Caldera also said that there are numerous corrupting influences against which our military should safeguard and against which none of our militaries are immune, including, “the involvement of defense contractors in undermining the fairness of the defense procurement process, the efforts of drug traffickers to use their ill-gotten wealth to corrupt military leaders and service members charged with fighting the scourge of drugs.”

Caldera pointed out how the current scandal involving the International Olympic Committee has tarnished the honor and integrity of the Olympics.

“As beloved as the Olympics are, the honor and integrity of the military is even more important,” he said.

“Honor and integrity are the foundation of public trust and confidence in the military. They are the basis on which we call to motivate our soldiers to sacrifice for the common good.”

He added that if the corruptive influences undermine that honor and integrity, the military’s will and capacity to defend the United States is seriously degraded.

The panel covered three topics concerning corruption. Armando Blasco, Secretary of Military Affairs for the Ministry of Defense of Argentina, spoke on the role of national security forces in nations of the world.

Maj. Gen. Mousa Moh'd Azouqa, Director of Officer Affairs of the Jordanian Armed Forces and Gen. Benedito Onofre Bezerra Leonel, Chief of the Brazilian Armed Forces Joint Staff, discussed corruptive influences on national security forces.

They said such factors as pay and promotion can influence government employees' ethics and how they conduct themselves.

Gen. Terrawat Putamanonda, Director General of the Office of Policy and Planning of the Ministry of Defense of Thailand, and Col. Kim Carter, Acting Director of Military Prosecutions for the Canadian Forces, discussed strategies for dealing with corruptive influences.

After the panel concluded, the floor was open to members of the audience, which included dignitaries from all over the world.

National Security Forces Panel Biographies

The Honorable Dr. John J. Hamre

John Hamre was sworn in as the 26th Deputy Secretary of Defense on July 29, 1997. He previously served as Comptroller of the Department of Defense (1993-1997). Before coming to the Department, Dr. Hamre served for ten years as a professional staff member of the Senate Armed Services Committee. He was responsible for the oversight and evaluation of procurement, research and development programs, and for defense budget issues and relations with the Senate Appropriations Committee.

From 1978 to 1984, Dr. Hamre served in the Congressional Budget office, rising to become its Deputy Assistant Director for National Security and International Affairs. In that position, he oversaw analysis and other support for committees in both the House of Representatives and the Senate.

Dr. Hamre received his Ph.D., with distinction, in 1978 from the School of Advanced International Studies, Johns Hopkins University. In 1972, he received a B.A. with highest distinction from Augustana College in Sioux Falls, South Dakota, emphasizing political science and economics. The following year he studied as a Rockefeller Fellow at the Harvard Divinity School.

The Honorable Louis Caldera

Secretary Caldera became the 17th Secretary of the Army on July 2, 1998. He previously served as Managing Director and Chief Operating Officer for the Corporation for National Service, a federal grant-making agency headquartered in Washington, D.C. The Corporation provides opportunities for Americans of all ages to engage in service and address the Nation's educational, public safety, environmental and human needs.

Before coming to Washington, Mr. Caldera served for five years in the California Legislature, where he represented the nearly 400,000 residents of the 46th Assembly District located in downtown Los Angeles. Secretary Caldera began his public service career as an Army officer and lawyer. After graduating from West Point, he served as a commissioned officer from 1978-1983. He rose to the rank of Captain, serving as a military police platoon leader, battalion intelligence officer, and battalion executive officer. He later served in the U. S. Army Reserve.

After leaving active duty, Mr. Caldera attended Harvard University where he earned a law degree from Harvard Law School and a Masters in Business Administration from Harvard Business School. He was a member of a private law firm and later served as a Deputy County Counsel.

Rodrigo Lloreda Caicedo

Rodrigo Lloreda is the Minister of Defense of Colombia. He has an extensive record of government service, including a tour of duty from 1984 to 1986 as Colombia's Ambassador to the United States. He previously served as Foreign Minister during 1982 – 1984, and was Education Minister from 1978 through 1980. He has served as Governor of the Valle region and in the Colombian Senate. He has studied in the United States at the Georgetown Preparatory School and earned a degree in Law and Economics from the prestigious Javeriana University in Bogota. He is a director of the newspaper *El Pais*.

Dr. Armando Blasco

Dr. Blasco became the Secretary for Military Affairs for the Ministry of Defense of the Republic of Argentina in December 1998. His previous government positions included service as Director and later Vice President of the Banco de la Nacion Argentina, Minister of Works and Public Services of the Province of Mendoza, President of the Banco de Desarrollo (Development Bank) and Director of the Central Bank of the Republic of Argentina. In 1991, he was the Vice President of the Institute of Economic and Social Politics. He also served briefly as the

President of the Bank of the City of Buenos Aires. He most recently served on the board of directors of the Argentine National Parks Administration.

In the private sector, Dr. Blasco served as Director of Hierro Patagonico S. A. Mixta, Executive Director of Papel Prensa S. A., and as a member of Price Waterhouse and Co. He also has been a professor at the University of Buenos Aires. He is a certified Public Accountant and a graduate of the University of Buenos Aires.

General Benedito Onofre Bezerra Leonel

General Leonel was named Chief of the Brazilian Armed Forces Joint Staff in 1994. He previously served as Chief of Staff of the Army General Staff, as well as Vice Chief of the Department of General Services and as Commander of the 5th Military Region/Division. He has also commanded the 4th Artillery Division. He served as a member of the Brazilian delegation to the Inter-American Defense Board in Washington, D. C. and graduated from the Inter-American Defense College. He is the recipient of the U. S. Legion of Merit.

General Teerawat Putamanonda

General Teerawat is the Director-General of the Office of Policy and Planning of the Ministry of Defense of Thailand. He previously served as the Assistant Chief of Staff for Intelligence of the Royal Thai Army. General Teerawat was the Assistant Political/Military Coordinator of the Ministry of Foreign Affairs from 1988 to 1991. In 1991, he was Director of Intelligence. He has served as an Army attaché in Australia and as a member of the United Nations Command in Korea.

General Teerawat is a graduate of the Virginia Military Institute and the University of Maryland. He also studied at the Army Command and General Staff College in Fort Leavenworth, Kansas and at the National Defense College of the Royal Thai Armed Forces.

Major General Mousa Moh'd Azouqa

Major General Azouqa is the Director of Officer Affairs of the Jordanian Armed Forces. He has commanded an Infantry Brigade, been Commandant of the Military Training School, and been on the staff of the Royal War College. He is a graduate of the U. S. National War College, the Jordanian Royal War College, the U. S. Command and General Staff College and numerous other professional schools. He is designated a Paratrooper and holds a Bachelor of Arts and Masters degree in administrative and military science.

Colonel Kim Carter

Colonel Carter has been a member of the Canadian Forces for 23 years. She has served in a series of progressively more responsible positions in the Canadian Forces Legal Branch since 1981, concentrating in the areas of international and criminal law. In January 1993, Colonel Carter was appointed leader of the Canadian War Crimes Investigation Team responsible for conducting on-site war crimes investigations in the Former Republics of Yugoslavia for the United Nations Commission of Experts. In April of 1995, she was the senior legal officer in the Office of the Counsel for the Government of Canada representing the interests of the government and individual witnesses before the Somalia Commission of Inquiry. She was named to her current position as Acting Director of Military Prosecutions for the Canadian Forces in 1998.

Keynote Address

**The Honorable John J. Hamre
Deputy Secretary of Defense
United States of America**

First, let me thank all of you for coming to this enormously important conference. It's very unusual for us to be gathering together – not necessarily unusual for us to have so many distinguished senior officers, but to come together on this subject is unusual. We're very pleased that so many of you would do that.

Let me especially thank my very talented and senior colleagues who are co-panelists this afternoon and who are here to make presentations to you and to lead this discussion. I also welcome Leon Fuerth, who is the Vice President's National Security Advisor, and has joined us today. I know he is playing "hooky" from an important inter-agency meeting right now; but it is, I think, a testament to how important this conference is for the Vice President that he would join us here too. Leon, we're grateful to have you here.

I must confess that I found this one of the hardest speeches for me to write. It wasn't because I didn't have thoughts in my mind to share with you about this subject. And it isn't because the subject isn't so important. I think it's enormously important!

We're on the forefront of, I think, a remarkable new century where responsive government and responsible government are going to be the norm for the first time in human history. I can't think of a more important topic to talk with you about. But I also must say I've had great difficulty thinking about how I should begin this session and offer comments – for several reasons.

I know that it's many times said that Americans are sometimes viewed as being arrogant and always having answers for every problem. We sponsor a conference like this as though we were going to be preachy and self-righteous and tell you how you ought to do your business, as though we don't have problems like this ourselves. And the last thing I want to do is to come across as

arrogant, suggesting only we have answers to this very tough problem. We don't. We share these problems together.

We're very proud of what we have done over the last twenty-five years in changing the nature of America's military forces. Twenty-five years ago, I will tell you, we were a broken military. We had come out of the Vietnam War profoundly broken as an organization. We had very serious racial problems in our Army and in all of our services. Frankly, we had very bad drug use in our military. We had lots of examples of fraudulent use of resources; and while I think we've made great progress, I don't think that we've overcome that entirely. And the last thing that I would want to do is to appear before you to suggest that we have all the answers. I don't think we do.

I also know that all of our organizations, our respected military establishments, are unique. We've all had our own unique histories and there is not necessarily a universally applicable model. Our military, the United States military, is very much shaped by our victories and our defeats. We've had both. The character and the content of the United States military does reflect that. It is different and not applicable essentially to the experiences in other militaries.

And, so again, I have to be very humble about what we can offer in a session like this. I do know that all of you who are here have set yourselves apart because you're wearing these uniforms. You could have chosen a different path in life. Many of your fellow schoolmates when you were kids – you look at them now – they did not choose the course of a military service. They probably could do better than you financially. They could certainly have more of the material rewards of life, and yet you chose a different path. You chose a path of service where the word duty and honor is something that stirs us in our heart.

And so it sets us apart, I think. It makes us more responsible, than necessarily our colleagues, because we are role models in our respective societies. And so there are burdens that come that transcend just the burden of being a military officer. It's being a role model. And it is to that, that I would like to speak this afternoon.

I think it's very hard for military organizations to talk about corruption. After all, all of us in our respective ways live with classified information, and we all know from our own experiences we don't always classify just our strengths. We frequently classify our weaknesses. And it is not that big of a jump in life to go from classifying a weakness to covering up a corrupt act. So we live with a very difficult environment, because in part, of the very nature of military service and military operations. So that's the first complicating factor.

I think a second complicating factor is that we all live in command-oriented organizations. There is a chain of command in all of our military establishments that we inculcate to our junior officers and enlisted personnel that they obey the orders of their superior officers. That is essential to the integrity of a military organization if it's going to function properly in wartime. But if a subordinate receives an order from a superior officer and that order doesn't sound right, it's very difficult for subordinate officers to question that order. Indeed, it's very easy to tell them, "Well, you don't see the full picture, just follow orders". So again, another dimension to the complexity of the military organizations in dealing with corruption.

A third quality that I think makes it very difficult is that most military organizations in their respective societies usually command significant resources....large numbers of people, physical capital, real estate and large budgets. I used to be the Comptroller of the Defense Department, and was responsible for the finance and accounting. I had one finance center where we dispensed \$43,000,000 an hour. I worried every day about properly tracking and controlling the expenditure of dollars in such a large complex organization. But we all have that in relative proportion in our respective societies. Military organizations command large resources. All of us interact with our civil societies who depend on our decisions for their own pecuniary well being. Most of us deal with contractors who desperately need us to say yes to a contract proposal. So these factors together - that we live in a classified world, that we command large resources, and that we live in a context of people who profit from our decisions-all create a very fertile soil for corruption. We know that; we know that here in the United States, and all of us know that in our own professional worlds. We also know the corrosive effects that corruption has on the integrity of the organization over time. We have felt that here. We don't say it out loud, but we know the effects that this has in our own society and our own organizations.

I promised you that I would try not to be preachy or self-righteous about how to fix these problems. I don't have answers. I'll be up front to tell you. I have examples of what we do in the United States that I think are crucial about how we try to tackle the problem. I wouldn't pretend to say that they are universally applicable. I don't think they always are. But I would at least list to you some of the things that I think are crucial in America's form of government for trying to control corruption in America's military forces.

First, we are a government where we divide power and authority in very profound ways. No single individual in America's government can guarantee the outcome of any decision. The President wakes up in the morning and he may want to do something, but he has to get permission from the Congress to spend a penny. We profoundly divide the authorities of government into different categories, different organizations in the United States. You can't get a composite action done without everybody coming together and agreeing on it. It's checks and balances that are center hallmark of America's form of government and we carry that into our military. We have divisions inside our own organization – the Office of the Secretary of Defense, the Secretary, me as his Deputy, my colleagues, in their various functional areas, we oversee the actions of our Armed Forces and there are checks and balances that we bring into our own organization.

A second dimension, and this is painful I'll have to tell you, is a very free and vibrant press that is always criticizing us. I never resented it as much as when I became the Deputy Secretary, to read the paper in the morning, all of the criticism that we get every day. And I know you all feel the same way. They don't understand the context. They rarely get it right when they write these articles. But I wouldn't live a day without having it, because it is the centerpiece of a kind of discipline in American democracy. After all, it is the way that the press motivates the politicians that reinforces the integrity of our checks and balances. They want to take political advantage of any flaw that we make. It gives us impetus to not want to make the mistake in the first place.

A third dimension, which we think is enormously important and that is, and again it's painful, we have to get annual appropriations from our Congress. We cannot carry dollars over from one

year to the next, so we can't fund our own ideas without going back to Congress and getting permission to do things each year. I used to work in Congress and I never felt it was an offensive thing. I feel it's a little offensive now, to be blunt to say. I hate going back to plead for dollars. But I also know it is the centerpiece of civilian control over our military when I have to go up and give an explanation – I've been at four hearings this week and I must confess, it's not always pleasant being grilled by my former colleagues on mistakes they think I'm making and justifications I have to make. But I honestly believe that this is one of the crown jewels of democracy, when we have to be put to the test to explain our plans and get their approval before we can do anything.

A fourth component undergirds our approach, and that is, that we have an explicit and rigorous process for officer selection and promotion. We have had a history of cronyism in our Armed Forces, but this is quite a ways in our past. Every single officer that is promoted in the Department of Defense, I have to approve and I have to send it to the President and the President has to send it to the Congress. We have a very explicit process by which our officers are selected, so that you don't get cliques and small clubby groups that will form and 'scratch each other's backs', an American expression. This is an explicit process that we, at least think, is important for us. Again, I'm not pretending that these are universal attributes, but it has been important for us.

Finally, we have created over the last twenty years, a training environment in the United States military where you can fail in an exercise before your superior officer and not lose your career. Again, this has not always been the case.

It was a hard thing for us to develop. It was very hard for subordinate officers to undertake an exercise in which they were going to fail and they knew they would fail, with their superior officer watching them and it wouldn't put their career at risk. And we had to work very hard to develop that system. It took lots of procedures so that it didn't become the grading exercise for the next promotion. So we had to take extraordinary steps so that an individual could go to an exercise, work hard, and fail in that exercise and it wouldn't effect their next promotion. Establishing a rigorous, objective and independent process for training, frankly carries over to

the rest of our business, because it has created a climate in the Department of Defense, where subordinate officers are expected to argue with their bosses before the decision is made. This is now considered to be an obligation of an officer at every level and also contributes to a climate of openness and a climate that inhibits corruption. It does not eliminate it. Just yesterday, I had to send back a nomination proposal for a senior officer who I clearly believe has done something wrong, and I don't know that it was caught. So it happens even to this day. We are not, by any means, fault free in the Department of Defense.

Now these are approaches that we have taken in the United States to try to deal with corruption in our military. I will tell you, it is not a pleasant thing to talk about. It is personally embarrassing to me when I confront a report of some wrongdoing inside our Armed Forces, because I have to go up to the Hill and explain why that happened. It's my responsibility, ultimately, if the system lets that happen. And I don't like it, and frankly I don't like talking to you about it. We have to struggle and work with it every day.

What I think is most important about this conference, is not that we have one answer we want you to follow. I'm not suggesting that at all. But each of us has solutions to problems that we're developing in our own environment, many of which could be applicable to others. Every one of us has militaries that have grown out of unique cultures with different values, and different protocols and procedures; and while many of them are unique, others could very well be applicable. I fully expect that we will hear from these panelists and hear from you in the discussion, ideas that we ought to use here in the United States. I hope that in that sharing with each other in an openness – not that we're trying to ridicule each other – we see in this an opportunity to build up in each other the kind of confidence and quality that, frankly, we want here and we want you to have as well. And we would need to hear our honest criticism of each other, and your honest criticism of us, as an important dimension so that we can all grow together from this conference.

I am grateful that so many of you would take the time to be here. As I said at the outset, this is not an easy subject to discuss, and it is not a subject that comes easily to military organizations to discuss. But it is one thing that applies to all of us, I know because of the uniforms you wear, the

pride you feel of being part of a great and noble thing – to be a part of that which defends your homeland. That is truly something worth fighting for, and it's worth fighting for both when there are external enemies and internal problems. We have to do it here, and I know you do too, and I am grateful so many of you would be a part of this conference today.

Thank you very much.

Opening Remarks

**The Honorable Louis Caldera
Secretary of the Army
United States of America**

Again, let me welcome you to this panel which will examine ways to fight corruption and safeguard integrity in our national security forces. This panel is tackling one of the truly pressing questions facing all countries. National security forces, the armed forces, are entrusted with lethal, coercive power that, if misused, can be a threat to democracy itself. In many countries these forces are charged with not only defending the borders and responding to national emergencies, but with other far-ranging responsibilities, including law enforcement.

There are numerous corrupting influences against which our military should safeguard and against which none of our militaries are immune. These include the involvement of defense contractors in undermining the fairness of the defense procurement process, and the efforts of drug traffickers to use their ill-gotten wealth to corrupt military leaders and service members charged with fighting the scourge of drugs.

Can these corrupting influences tarnish the reputation and effectiveness of military forces? Consider how the current scandal, involving the International Olympic Committee has tarnished the honor and integrity of the Olympics. As beloved as the Olympics are, the honor and integrity of the military are even more important. Honor and integrity are the foundation of public trust and confidence in the military. They are the basis on which we call to motivate our soldiers to sacrifice for the common good. If corrupting influences undermine that honor and integrity, the military's will and capacity to defend the nation is seriously degraded.

These influences can also threaten national security....if scarce resources are wasted in procuring military equipment that is too expensive, unnecessary, or won't work, or if units that are charged with fighting drug traffickers become complicit in drug trafficking themselves. Undermining the trust and confidence citizens have in the military's ability and willingness to secure their borders,

to protect them and their way of life, breeds the worst kind of public cynicism and can compromise the very legitimacy on which military power is exercised.

In the United States, our military is held in the highest regard among governmental institutions. That is because it is a value space organization where honor, integrity, doing what's right, having courage in the face of danger, means that our soldiers will put the interests of the Nation and of their fellow citizens ahead of their own self-interest including their personal safety. U. S. citizens provide our Armed Forces tremendous resources, and invest in us the ability to use the incredible power of the military because they have trust in our leaders' faithfulness to our Constitution and to the laws and principles of our Nation.

If the United States military, or any military, loses that trust, the threats are very grave indeed. So we all have an interest in strengthening the trust between our militaries and our citizens. We can learn from each other. That's why our panel consists of distinguished speakers from throughout the world. We think this will be a good learning experience where we can all learn from each other's efforts, how we seek to strengthen and uphold the laws and values to which our militaries and our nations ascribe, which prevent corruption and strengthen integrity in our national security forces.

Opening Remarks

The Honorable Rodrigo Lloreda Minister of Defense of Colombia

Let me first of all, stress the importance of addressing this issue of corruption. In my personal experience in a country where the Armed Forces are engaged daily in confrontations with guerilla insurgents, narco-terrorists, and private justice groups, leadership and example in the high levels of command are essential.

Soldiers must know what they are fighting for, but also what are the moral standards of their commanders. It makes all the difference. It is the motivation of a clean and effective leadership that makes the difference between a well-established, well-inspired, and motivated Army or military force and one that is not.

Today's panel will address three topics: first, the role of national security forces in the nations of the world; secondly, the kinds of corrupting influences that can exist at a given time; and thirdly, the different strategies for dealing with those influences. Our panel today, as well as our audience, is made up of a very distinguished group of speakers who will share their insights and aspects of these three topics.

Let me briefly introduce each of our speakers. Speaking on the role of national security forces is Dr. Armando Blasco, Secretary of Military Affairs, Ministry of Defense, Republic of Argentina. Also we have Major General Mousa Moh'd Azouqa, Director of Officer Affairs of the Jordanian Armed Forces who will speak on the nature and prevention of corrupting influences. Addressing the same topic will be General Benedito Onofre Bezerra Leonel, Chief of the Brazilian Armed Forces Joint Staff. Our last two panelists will discuss ways of dealing with corruption in the Armed Forces. They are:

General Teerawat Putamanonda, Director-General of the Office of Policy and Planning, Ministry of Defense of Thailand; and Colonel Kim Carter, Acting Director of Military Prosecutions for the Canadian Armed Forces, Judge Advocate General's office.

We are very honored that these eminent gentlemen and ladies have consented to present remarks and stimulate our thinking on the important topics before us. Secretary Caldera and I will make brief remarks prior to the first presentation on each of the three topics. At the conclusion of the five presentations, I will sum up what we have heard. I hope my remarks will provide a useful starting point for our concluding discussions which I trust will be open and lively. Secretary Caldera will then conclude the panel with closing remarks. Tomorrow he and I will brief Vice President Gore on the results of our panel.

First Topic Introduction

Secretary Caldera/Minister Lloreda

Secretary Caldera:

Our first topic is: The Role of National Security Forces in the Nations of the World

From nation to nation, the world can vary widely. One distinguishing characteristic is whether a nation's military is empowered to deal with domestic as well as external threats. In some nations the military has the power to conduct internal security missions such as maintaining internal order and enforcing criminal law.

Minister Lloreda:

Relating to the involvement of some militaries in internal security missions, Dr. Blasco from Argentina will consider whether and to what degree these additional responsibilities lead to.

The Role of the Military and Argentine Armed Forces

Dr. Armando Blasco
Secretary of Military Affairs, Ministry of Defense
Republic of Argentina

Part I

Its Importance in the Current Environment

The wish of most all nations is to live in peace, preserving their security and vital interests. It is for this reason that the armed forces have been, along with their historical evolution, closely related to the social and political organization of nations as another expression of their culture.

The military has been the foundation on which different societies' defense systems have been constructed. As an institution not easy to improvise, the armed forces are the form under which peoples assume their defense and therefore, their fate is unquestionably linked to the efficacy of their armed forces along history. They have always been devoted to preserve both the physical space of a nation, its territory, and the very existence of the state.

But societies live in permanent change and require from their armed forces a dynamic adaptation to such transformations.

In the case of Argentina, the Armed Forces accompanied the evolution of social reality and new world and regional strategic demands by updating the defense planning and reorganizing the Services.

Since the return to the constitutional system, Argentina, as a whole has undergone a transformation process, which in general lines, is intended to attain:

- The consolidation of democracy;
- The modernization of the Government;
- The economy's streamlining;

- The country's adequate involvement in world affairs;
- Progress toward regional integration;
- Sustainable development

Structural transformations in the fields of national security and defense have involved the enacting of functional statutes (National Defense, Domestic Security and Military Reorganization Acts) as well as the adoption of actions intended to modernize the military system and to make it fit for new strategic conditions (volunteer soldier system, increasing involvement in peacekeeping operations).

It is only fair to say that today the international scenario is governed by a predominant interest in economic matters, and government's concern is focused on the welfare of society as the first priority. This has led to the allocation of smaller financial resources to the defense areas.

Consequently, many countries in the world, whether industrialized or developing nations, are reorganizing, and in many cases, downsizing their armed forces without modifying their basic mission of defending their territories and interests. For this reason, although new realities demand certain capacities from the armed forces that allow them to meet other roles, their prime role is not superseded when new demands are imposed on them.

The Armed Forces of Argentina, seen within the context of the whole society, are the instrument used by the National Government to execute its policies tending to fulfill the interests of the country on a continuous basis. Their role cannot be separated from the National Executive Branch's authority applied to the achievement of said interests and derived from the National Constitution.

The Military Mission

The fundamental legal bases of the national defense system are as follows:

- National Constitution;
- Civil Defense Act (Law 22,418, 03/05/81);

- Ministries Act (Law 22,450, 12/18/81) as amended;
- National Defense Act (Law 23,554, 04/26/88);
- Domestic Security Act (Law 24,059, 01/06/92);
- Military Reorganization Act (Law 24,948, 04/03/98);
- Executive Decree No. 392/90-Domestic Security;
- Decree No. 1,739/92 on the Creation of the Chiefs of Staff
- Military Committee (COMIJEM-09/21/81)

Within this framework, the Argentine Armed Forces have certain missions assigned, which are discussed below:

Armed Forces Main Mission

The main mission of the military lies in contributing (together with the other power factors) to the National Defense, by acting as deterrent or effectively using the means to permanently protect and guarantee the Nation's vital interests from external aggression.

Other Missions of the Military

- 1) Involvement in peacekeeping operations and/or multinational coalitions under the mandate of international organizations.

Armed Forces involvement in peacekeeping operations, mainly under the mandate of the United Nations, has turned into one of the habitual missions of the military and translates into Argentina's strong commitment to international peace and security.

Depending on the mission to be accomplished, personnel from both the Armed Forces and the Security Forces have effectively performed in different operations. Twenty men were sent on different international peacekeeping operations in 1988. This figure has multiplied several times over successive years to reach the 14,982 Argentine men sent on international missions between 1990-1998. At present, 79 fellow citizens are deployed in this type of action.

Argentina sent a battalion to Croatia and a company to East Slovenia, and provided air and naval assets during the Gulf War. A battalion and a group of helicopters are still in Cyprus, and Engineer Company in Kuwait, and Military Observers and Civil Police are acting as peacekeeping forces in different parts of the world where conflict exists.

2) Missions to Support Domestic Security

As the Executive Branch of the National Government might require, the Armed Forces may undertake operations intended to guarantee domestic security, planning and executing the operations provided in the Domestic Security Act. The statute defines Domestic Security as a law-based state of affairs, in which population freedom, life and property, their rights and the institutions of the republican and federal system established in the National Constitution are safeguarded.

The following types of operations, which provide for Armed Forces involvement, are set forth in the law:

- Support Operations consisting in the provision of Armed Forces' services and elements (ordnance, supplies, health, animal health, construction, transport, engineers, and communications) when required by the Domestic Security Council Crisis Committee (Article 27) presided over by the Security and Protection to the Community Secretary.
- Operations intended to preserve the Armed Forces' units or garrisons and to restore order in the military jurisdiction, as a primary obligation of the military authority, in case of attack during peace times (Articles 28, 29 and 30).
- Operations intended to restore Domestic Security when extremely grave situations occur, where the forces under the Domestic Security System are not sufficient to restore the state of the law and order. In these exceptional circumstances, before the

National Congress initiates the “state of siege,”¹ the President of the Nation may order the use of the Armed Forces’ combat elements and all of them, together with Security and Police Forces shall be subordinated to an Operational Commander to be designated thereafter (Articles 31 and 32).

However, not even in this case can the Armed Forces undertake police activities since it is definitely established that they shall “act according to the provisions of Law No. 23,554” of the National Defense, that is, as Armed Forces in compliance with military objectives.

Congress participation in the oversight of activities related to Domestic Security maintenance is completed by means of the action of a Domestic Security and Intelligence Agencies and Activities Oversight Committee.

- 3) Armed Forces involvement in the development of international security and confidence-building measures.

The Armed Forces and the organizations involved in the strategic planning of a national defense system take part in studies carried out with other countries or in multilateral organizations at regional and international levels in order to build new security systems oriented to cooperative action.

Likewise, concrete measures for military cooperation are sought for all countries in the region and particularly neighboring ones, trying to build confidence and transparency in military relations, in order to prevent conflicts.

¹ The Executive Branch of Government can only declare the “state of siege” by itself when the National Congress is in recess. Subsequently, the legislative body must rectify or suspend such measure as soon as it resumes its activities. Arts. 23, 75-paragraphs, 27, 29, and 31, and 99-paragraphs 12, 16 and 20-related articles of the National Constitution.

Transparency in the International Context

The United Nations General Assembly approved a resolution titled "Transparency in Weapons." Under which a Register of Conventional Weapons was created, as it was thought that greater transparency regarding these matters would contribute to foster confidence and security among countries.

Later on, the Regional Conference on Security and Confidence Building Measures, sponsored by the Organization of American States, approved by consensus the Declaration of Santiago on Security and Confidence Building Measures.

Every year Argentina submits complete information on defense transactions to the United Nations and OAS conventional weapon registers and sends to the UN information on the military expenditures that the organization requires for publication. This information exchange is intended to foster confidence and security arising from the transparency represented by the dissemination of such information.

In this context, the Foreign Affairs and Defense Ministers agreed with their Chilean counterparts in Campo de Mayo on June 10, 1998, to request from the Economic Commission for Latin America and the Caribbean (CEPAL) the preparation of a technical study aimed at establishing a methodology that allows streamlining results and achieve accuracy in the information of military expenditures.

The decision materialized in a letter undersigned by the Ministers during the V Meeting of the Permanent Committee for Argentine-Chilean Security, subsequently responded by the CEPAL by sending a budget for that project. Finally, Presidents Menem and Frei have recently undersigned a "Joint Presidential Declaration on Security and Confidence Building Measures" (Ushuaia, February 16, 1999) where the progress made in this process is duly recognized.

The importance of the project lies in its contribution to transparency in the issue of defense and military expenditures, not only between countries - as a step towards bilateral and regional trust-

but also within each country, to the extent that it will contribute to the evaluation of budget execution at the national level.

Transparency at the National Level

All the measures towards transparency accompanied by our country at the international level have a correlation with similar actions regarding the defense policy, which for its significance and continuity, ranks among state policies.

One of the three fundamental pillars on which defense administration is supported is an adequate relation between the Armed Forces and the democratic system. This issue was addressed within the framework of the state reform, particularly through the reorganization of the Armed Forces, for them to be at an optimum capacity to carry out their functions.

The National Constitution and laws in force guarantee the adequate control of the National Government on the military institutions.

The National Defense Act, expressly sets forth that the Armed Forces Chief reports to the Ministry of Defense, by delegation of the President of the Nation, Commander in Chief of the Armed Forces and maintain a functional relation to the Joint Staff, an advisory body reporting to the Minister of Defense.

The privatization process involving companies in the defense area has been completed for all practical matters and has attained the goal of concentrating the technical capabilities and human skills of the Armed Forces in their specific tasks. Like in the privatization processes applied to other publicly run companies engaged in activities unrelated to the state-specific object, the process implemented in the defense area disabled all potential structural corruption areas.

In this sense, an adequate civil - to - military relation and the definition and restructuring of the Armed Forces, have been factors that greatly contributed to the transparency in national politics.

4) Community Support Missions

The military cooperates in civil defense matters, with national, provincial and local organizations for the support of the national community and, if necessary, with countries within the hemisphere, in events of national disaster, epidemics, or any other circumstance. In this sense, the Armed Forces are prepared to carry out search and salvage tasks, humanitarian assistance and environment protection, as was the case during the floods that affected extended areas of the Argentine littoral in 1998, or the recent fires in the Patagonian forests.

For the purpose of these functions, the Joint Staff is in charge of the follow-up assignment of functions to experienced personnel and coordination of the required support actions.

5) Other missions assigned by the Government

The National Government, through competent organization, may order the military to perform other tasks, granting it, by means of the required legal instruments, the necessary authorization for such purposes.

These types of missions include:

- Support to activities in the Antarctic;
- Different actions to support social and economic development in different communities all over the country;
- Technical support in communications, air space control, coordination, and logistics in the fight against drug trafficking and international terrorism.

Civil Command of the Defense System

The Chiefs of Staff of the Armed Forces - Army, Navy and Air Force - as well as the Armed Forces Joint Staff, report to the Ministry of Defense. The Joint Staff advises the Minister of Defense for the drafting of Joint Military Plans. The Chief of the Joint Staff acts as President of

the Chief of Staff Committee (COMIJEM), advising the Minister of Defense on military strategies and on the joint use of the Services, without prejudice to the actions each Chief of Staff may take in specific issues with their own force.

The Armed Forces, in their capacity for defense and as fundamental members of the National Defense System, act under the direction, order and coordination of the Minister of Defense, who thus exercises the authority delegated onto his area by the President of the Nation and Commander in Chief of the Armed Forces under the provisions of the National Constitution

By means of Joint Military Planning, the Minister of Defense defines the composition, dimensions, and deployment of the Armed Forces. The government and administration of each Service is under the responsibility of the Chief of Staff. These positions are filled by the President's designation based on proposals by the Minister of Defense.

Regarding resources, the Ministry of Defense is in charge of the Armed Forces budget and the coordination and distribution of the pertinent allocations.

Concerning Security Forces, the National Border Guard Service (Gendarmería Nacional) and the Coast Guard (Prefectura Naval Argentina), both report to the Ministry of Interior, through the Security Secretary. Although these forces exercise police functions guarding the country boundaries, they can be involved in the Defense System when required.

Conclusions

1. The Argentine Republic is a country that, from its origins, has adopted democracy as a way of life and as a government system. Democratic institutions are in full force and, among them, the Armed Forces and Security and Police Forces have a definite mission and jurisdiction, clearly defined by law and the Constitution.

2. The Armed Forces have accompanied internal, regional, and international social change processes by updating military strategic planning and the necessary reorganization of its means and territorial deployment.
3. The Armed Forces comply with the specific mission and other assignments according to directions from the President of the nation through the Minister of Defense, within the in-force legal framework.

Part II

The Fight Against Corruption within Argentine National Security Agencies

Three different spheres of action should be considered:

1. Individual training and education;
2. Control of administrative and financial operations;
3. Punishment of faults and crimes.

Training and Education

In our concept, the military career is based on a vocation implying a high degree of ethics. The military induce a high degree of public confidence, which obliges them to respond to such trust by basing their behavior on a very strict ethical code. We are also convinced that corruption breeds in the heart of a man, which is the source of uncontrolled desire for material wealth, falsity, frivolity, deceit, and weakness to resist temptations of corruption. But the possibility of restoring honesty to human relations and establishing individual and social equilibrium is also within out heart.

This is the reason why we value and place priority upon the training and education of our soldiers as the means to develop good operating habits which, exercised once and again in daily

life, especially during the stage of their military training, will develop a sword and a shield of human virtues which are of crucial importance.

Strength, which renews the soul's energy when faced with internal and external obstacles and which allows to practice virtue in one's own environment and actions: sincerity, as love of truth; loyalty, which consists of truthful behavior and in upholding one's word, commitments, and covenants; sobriety and modesty, that lead to cherish austerity, avoid ostentation, and endure unsatisfied wants and needs; temperance, which subjects the body's demands to the order established by the spirit, honesty, firmness, and an exemplary conduct are all virtues present in the training of our military, included in the curricula of our training institutes and developed in subjects such as philosophy, ethics, religious education, etc.

At the same time, the future military personnel are educated in strict obedience of civil laws as the basis for human coexistence. Public Constitutional Law, Public International Law and International Law of Armed Conflicts (International Humanitarian Law) are also part of the curricula developed in education and advanced training institutes.

In a sense, our experience has been very positive. The fact of investing in training and education has made corruption cases within the Armed Forces exceptional, isolated, individual, and easily detectable and punishable.

Control of Administrative and Financial Operations

Argentine laws establish strict and detailed control systems for administration of financial resources by all Government agencies and civil servants. This includes the Armed Forces, whose members undertake increasing administrative and financial responsibilities as they are promoted to higher ranks.

This seminar is not the right time or place to embark on a detailed technical explanation of this management control system, which, on the other hand, is probably very similar to those applied in many other countries of the world.

Anecdote: Last year, an officer of the General Comptroller's Office (the Ministry of Economy's administrative-financial management oversight office) who took her supervision duties very seriously visited a military unit for the purpose of following up the purchasing process applied by such unit from the time when the requirement for the items was determined, through the whole bidding process, reception and quality control process and the verification of the use given the items purchased, to supplier payments.

The controlled item was randomly selected and turned out to be the purchase of sewer pipes. The officer performed the pertinent documentation controls, verifying that everything was in order, after which she said: "Now I want to see where the pipe was installed." It was explained to her that the pipe was installed in a cesspool pipeline, which obviously was laid several meters under ground in a place that was not very recommendable for a lady to visit. She said, "Let's go." She was taken to the place where the pipe had been installed and confirmed that the pipe was indeed new and that there was evidence that it had recently been put in place.

With this story, I want to show that the system exists, that it is operating and that we soldiers, who have the clear priority of preparing our organizations for war, must dedicate time and effort to account of the resources entrusted to us by the State, when it would be more convenient to spend such time and effort on our specific mission.

But in addition to these controls exercised by the National State over the Armed Forces, there are internal administrative measures which provide transparency to the financial management performed by military commanders, whatever their rank. Some of them are:

- Rotation: Rotation is periodic; a person rarely occupies a position for more than two or three years. Rotation is also mandatory and systematic, both for commanders and for technical officers performing accounting functions.

- Internal Inspections of Administrative and Financial Services: Such inspections are performed on a yearly basis and are exercised especially with regard to all administrative and financial services at all command levels.
- Sworn Statement on Financial Conditions: This is mandatory for all commanders having responsibility for the administrative and financial resources and must be submitted when taking over or leaving a position.
- Senate's Agreement to the Promotion of Senior Officers: Such agreement takes place after an examination of the candidate's personal and professional record, including the outcome of their previous functions.

Punishment for Faults and Offenses Committed by Military Personnel

All military personnel are governed by the Military Code of Justice, which is a national law. In addition to defining the faults and offenses pertaining to military activity in wartime and in peacetime, the Code establishes severe sanctions and penalties for offenses related to resource administration, such as the following:

Bribery (Section 834): The military person who, in the exercise of administrative functions, makes gifts or accepts promises for an act to be executed or omitted, will be punished with imprisonment from two to five years.

Military Fraud (Section 843): The military person who, by reason of his employment, holds in his possession, money, securities or any State property and misappropriates it in order to use it for his own or another person's benefit (this includes favoring suppliers against the reception of gifts, presents or promises; commits frauds; carries out personal financial operations with funding belonging to the military administration; has private interests in the outcome of bidding processes, etc.), will be punished with imprisonment up to ten years.

These cases and others such as “embezzlement,” “fraudulent administration,” etc., are examples of penalties applied to military personnel for administrative and financial offenses. It must be pointed out that such penalties are much more severe than those provided for in national laws for similar offenses in the civil or commercial spheres.

In addition, the Armed Forces consider that certain types of offenses and faults in the administration of financial resources affect the military honor of the individuals involved, whereby they are brought to trial before Courts of Honor. Such Courts are permanently constituted; their members are senior officers with recognized professional records and indisputable moral authority. They are empowered to judge the acts of their comrades when the honor of their behavior is in question and to punish faults against military honor with penalties that remain in the individual’s record as a stigma.

Part III

Some Armed Forces Do Not Wish to Get Involved in the Struggle Against Drug Trafficking Because They Fear the Contamination of Corruption. What is Your Opinion?

In the case of the Argentine Armed Forces, the reasons they do not directly participate in the fight against drug trafficking are the following:

- Illegal Drug Trafficking (IDT) is not, in principle, a military problem.
- In order for IDT to be considered a military problem, it should escalate to a level of strategic threat such as to challenge the sovereign exercise of political power by the Government, or generate a conflict with other countries. Today, in Argentina, it remains mainly an urban problem.
- IDT may exhibit different levels of intensity, from threatening the health of society to affecting the normal development of political functions and finally jeopardizing the very existence of the State. Argentina finds itself in the first situation.

By this, we are not saying that the Armed Forces, as a pillar of National Defense, should remain indifferent to the search for solutions, especially if the phenomena worsen. As already said, the Armed Forces lend technical support in the communications, air space control, coordination and logistics areas to the security services in the fight against drug traffic and international terrorism.

Also, in line with the conclusions reached by several international forums dedicated to integral security of the States - such as the Meetings of Defense Ministers of the Americas--Argentine authorities recognize that inter-agency cooperation and coordination is an essential instrument to win the battle against this scourge. For this reason, the analysis and follow-up on this type of threat are included in the national strategic agenda, where the Ministry of Defense participates with the advice of the pertinent military instance within their respective spheres of competence.

With respect to the eventual “contamination” of the Armed Forces if they are required to participate in the fight against IDT, we trust that the preventive, control and punitive measures established (see response to previous question) would be efficient tools to ensure that all operations are within legal bounds.

Second Topic Introduction

Secretary Caldera/Minister Lloreda

Minister Lloreda:

Our second topic concerns the kinds of corrupting influences that can exert power over members of the military. There are at least four things to consider with relation to this topic: First, the ethical climate of the society as a whole and in particular, the military; second, the conditions in the military which tend to weaken the ethical convictions of its members – low pay, slow promotions are mentioned; third, opportunities for abuse such as inadequate financial and management controls; and fourth, the external agents, that is, the narco-traffickers, defense contractors, and other forces that can have powerful motives for tempting members of the military to commit abuses.

Secretary Caldera:

General Azouqa from Jordan will discuss how international conventions, ethics training, and qualifications of military service, impact upon the ethical climate of security forces. Following General Azouqa's presentation, General Leonel from Brazil will share his thoughts on how such things as inadequate compensation and promotion methods can be corrupting influences.

Corruption and Prevention in the Jordanian Armed Forces

Major General Mousa Moh'd Azouqa
Director of Officer Affairs of Jordanian Armed Forces

Although corruption among military officers and enlisted men is not a big problem within the Jordanian Armed Forces, certain measures are adopted to make sure that it does not escalate. This is due to the fact that army units are largely deployed to safeguard our borders with four nations.

Our main objective is to defend against and deter any aggression, and also to enforce law and order with regard to preventing smuggling and illegal crossing of borders. Having to deal actively with the implementation of UN and Security Council sanctions against Iraq makes the task more difficult and sensitive.

Some preventative measures are considered to be efficient in dealing with this potential problem, such as, to conduct thorough screening of all of the recruits, especially officers, before and during service. Applications that don't meet high standard qualifications are rejected and any past criminal, police records are investigated.

To maintain and implement high ethical codes of conduct through regulations and military law, in basic training and also during actual service in all units, officers are encouraged and are supervised so as to set an example to their soldiers.

Recognition is given to officers and soldiers who show personal integrity and honor. This is done through extraordinary promotions and awarding medals and other incentives.

To promote religious values against corruption, concepts and values are reinforced through continuous education and during Friday prayers. For instance offering or receiving bribes is a

very serious offense in the Muslim religion. Dealing with smugglers is considered to be a menace.

To enforce criminal military laws dealing with corruption matters, such violations are dealt with strictly and swiftly by punishment and focusing on the causative sources for the corruption promptly, so that trust and confidence in the system would be enhanced. Also, monthly supervision of leadership in small-to-medium units is used to ensure the promotion of ethical values and honesty. Adequate pay and benefits along with improving quality of basic needs and moral support activities including compensation and dignified retirement planning are vital anti-corruption programs.

Although we are a poor country and we don't have enough resources to sustain our way of living sometimes, we think it is better to let the officers and enlisted men live at least a decent life and give them the support they need.

Random rotation of units in their areas of responsibility in terms of duration and location reduces chances of vulnerability to corruption. We do rotate units from time to time and change their sector of responsibility so as to make sure that they don't get overly settled-in with the area. If they do, they might associate with smugglers, and this will lead to corruption. So we try to change their position from time to time thus preventing them from dealing with corrupters and dealing with smugglers and all the effects about that.

Cooperation among various security agents and authorities and establishing a fast and reliable method of exchanging information and tactics are useful. We do cooperate, actually, within our system among the various organizations that are dealing with smuggling and with preventing corruption. We share methods so we can do some cooperation with disseminating information and tactics, and try to corner all of the troublemakers, eventually preventing our men from dealing with them.

Coordination and cooperation with international legal and security organizations in dealing with corruption and other related matters is also integral. Like this conference, for instance, we were

very happy to receive the invitation and we have already participated in different aspects of the conference.

In addition to the previous measures, we have found that securing the borders through active deployment of forces is the first step to prevent smuggling, thus preventing potential corrupting influences. High-mobility forces and reliable communications are very important assets. Furthermore, electronic devices and night vision equipment are widely used for night and day surveillance to cover and screen all avenues of approach. And believe me, those avenues of approach are very, very wide and there are too many of them. Despite the fact that the cost for all of that screening and surveillance is very high, we believe, it is worth it. Other actions are taken to ensure that officials dealing with procurement and supply contractors follow rules and stick to the regulations through transparency and multiplicity. Favoritism and private deals are always targeted in this respect. Super-vigilant, integrity-related agencies monitor almost every such activity.

Code Of Ethics

For The Military In The Brazilian Armed Forces

CHAPTER I

PRELIMINARY PROVISIONS

- Article 1 This Code establishes the rules of military ethics for the active duty and retired members of the Armed Forces.
- Article 2 Duty, valor, sense of honor, personal honor and decorum are the basis of military ethics.
- Article 3 The military, a special Motherland servant, is required to behave in a way that is compatible with the precepts of this Code and other moral, and legal principles, demonstrating before society the integrity and dignity of the profession.

CHAPTER II

ON MILITARY VALOR

- Article 4 The following are essential manifestations of military value:
- I Patriotism that translates into a steadfast willingness to fulfill the military duty, and solemn oath of loyalty to the Motherland that includes willingness to sacrifice one's own life;
 - II Public spirit and reverence to historical traditions;
 - III Faith in the high mission of the Armed Forces;
 - IV Esprit de corps, military pride for the organization he/she serves;
 - V Love of the profession of arms and enthusiasm in its exercise;
 - VI Technical professional enhancement.

CHAPTER III

ON THE PRECEPTS OF MILITARY ETHICS

- Article 5 It is the military's duty to follow the precepts of military ethics:
- I To love truth and responsibility as a foundation of personal dignity;
 - II To perform with authority, efficiency and honesty the functions that are assigned because of functions, position or rank;
 - III To respect the dignity of the human being;
 - IV To comply with and enforce laws, regulations, instructions and orders of the appropriate authorities;
 - V To be just and impartial when judging acts by subordinates and when reviewing their merit;
 - VI To care for one's own moral, intellectual, and physical fitness and that of his/her subordinates having in mind the fulfillment of the common mission;
 - VII To use all his/her energies for the benefit of the service;
 - VIII To practice camaraderie and develop continuously a spirit of cooperation;
 - IX To be discreet in his/her attitudes as well as in written and spoken language;
 - X To abstain from dissimulated behaviors in order to gain benefits or pass for someone he/she is not;
 - XI To abstain from dealing with secret matters of any kind outside the the appropriate setting;
 - XII To respect the civilian authorities;
 - XIII To comply with one's duties as a citizen;
 - XIV To act irreproachably in public as well as in private life;
 - XV To observe norms of good manners and good behavior;
 - XVI To assure moral and material support for the family;
 - XVII To behave--even when off duty or retired--in a way that will not hamper the principles of military discipline, respect, and decorum;

- XVIII After retiring, to abstain from using hierarchical designations:
- a) in political-partisan activities;
 - b) in commercial activities;
 - c) in industrial activities;
 - d) in order to discuss or to create debates through the press on political and military issues; with the exception of subjects of a strictly technical nature;
 - e) when holding a position or performing a function of a civilian nature, even when in a civilian capacity;
- XIV To care for the good standing and image of the Armed Forces and each of its members, complying with and implementing the precepts of military ethics;
- XX To revere national symbols;
- XXI To preserve secrets obtained due to personal trust or because of a command, leadership or direction position, as long as it does not constitute a crime;
- XXII To prevent personal interests and ambitions from superseding service interests;
- XXIII To strive for personal and professional aggrandizement of directly supported military;

Infringement of military ethics precepts will grow in seriousness with the rank of the offender.

CHAPTER IV

- Article 6: The military is barred from:
- I Using rank or position, functional facilities, positions and influence to obtain favors for him/herself or to manage third parties interest,

Corruption Prevention in the Brazilian Armed Forces

**The Honorable Army General Benedito Onofre Bezerra Leonel
Chief of the Joint Staff of the Armed Forces
Federative Republic of Brazil**

Initially, I would like to thank you for the invitation to participate as a representative of the Brazilian Armed Forces in this conference on such a relevant and current issue. The circumstances of a world in the process of globalization amplifies corruption and its nefarious and lasting results that compromise the credibility of any public and private management.

Fighting corruption has been a constant concern all over the world. This crime occurs in countries that are democratic or authoritarian, with strong or weak, multiple or sole political parties. It is perceived as an evil that damages the population, exacerbates social inequities and injustice and is, therefore, a problem that has to be faced internally in a country as well as at the international level.

The so-called "tolerated illegalities" that nowadays are a common feature in the lives of our communities, led to the creation of a criminal situation with unpredictable limits and consequences. Thus, corruption permeates the cultural as well as the economic order, affecting the political and government apparatus as well as the areas of finance, general services, information, arms and drug trafficking while also promoting other illicit activities.

My country, Brazil, is obviously not excluded from this picture. We believe exchanges of experiences and proposals fostered by this conference will be highly useful in searching new paths in this struggle in which we are all engaged. The Brazilian Government has developed initiatives geared to making more effective the tools for combating corruption. Encouraging results have been achieved by means of strengthening democratic practices, press freedom, opportunity for education including on human rights, at all levels, together with participation of population through reporting but, more importantly, by approving specific and stricter laws.

This effort was enhanced by Brazil's signing of the Anti-Corruption Agreement sponsored by the Organization for Economic Cooperation and Development (OECD) aimed at fighting bribery of public employees by international companies.

We consider that corruption only takes place through the interaction of three basic factors:

- Triggering element;
- Corrupting agent; and
- Corruptible agent.

The vector that generates the corrupting process can be located in any of the National Power expressions: social, economic, military, political, science, and technology.

The consequences of this process might lead to:

- Financial gains;
- Economic gains;
- Knowledge;
- Information and intelligence;
- Political advantage; and
- Other

There is no corruption if at least one of the three above-mentioned factors is absent.

To repress these threats, the Brazilian Armed Forces give priority to actions that will cancel or minimize as much as possible these conditions and situations that might facilitate even the potential occurrence of the corrupt individual. As a result, most of the actions that take place are in the area of prevention. In this area, we give noticeable priority to ethical and moral development of the military.

Independently of internal and external control structures, laws and regulations dealing with the problem, and monitoring and protection mechanisms, we pay special

attention to Personnel Policy in its basic mechanisms such as:

- Preparing and developing human resources;
- Career planning;
- Continuous evaluation and rating;
- Promotions statute;
- Movement and transfers;
- Remuneration;
- Social security for the military and his/her dependents;
- Parallel benefits.

The military career or profession has shown - in the great human adventure - very unique aspects. This profession's characteristics include:

- Solemnly sworn commitment to risk own life;
- Subjection to rigid rules stemming from discipline and hierarchy;
- Exclusive dedication;
- Permanent availability;
- Geographic mobility;
- Physical vigor;
- Specific training and constant improvement.

Constant recycling starts basic training and extends up to specialization and development, advanced and graduate-level studies, including Staff College and Policy, Strategy, and Top Management courses. In each occasion, the values of military ethics and their linkage to the profession are reiterated amidst exhaustive accountability.

The Career Plan imposes all these steps on the military while assuring them professional access to positions and ranks as well as to duties of increasing responsibility.

Along this path, twice a year, the Armed Forces military, officers and enlisted men and women, undergo systematic evaluations of their performance by their chief or immediate commander. The results of this evaluation are essential for promotions as well as for new duties and assignments, including overseas.

Concerning promotions, these parameters will make it possible to define the universe from which to draw the group that will be promoted based on seniority and those that will be promoted by merit. The percentage of positions to be filled under both criteria varies according to rank. For officers, the distribution is as follows:

- Promotions up to the rank of Captain or equivalent: 75% of positions to be filled based on seniority and 25% on merit;
- To the ranks of Major and Lieutenant Colonel: 50% each criterion;
- Promotion to Colonel: 25% seniority and 75% merit

Promotions to general officer are decided under the selection criterion, in which the officers' performance throughout his/her life is given considerable weight.

The process for definition of the promotions is based on the evaluations and ratings and requires verification by the Promotion Commission; promotions to general officer rank also require approval by the High Command of the individual service.

Personnel moving or transfers are also used as a preventative and precautionary measure against the risk of corruption within the Armed Forces, enabling the removal of officers from negative areas, activities and influences. The moving policy adopted by the Brazilian Armed Forces requires routine transfers of officers every two or three years and has a dual purpose:

- To provide them with "national experience" in a country of continental dimensions; and
- To hinder the creation of unsuitable roots.

For instance, concern with preventing corruption has lead to avoiding direct involvement of the military in fighting drug trafficking, while promoting rotation of those serving in areas that are vulnerable to this type of crime.

Improper behavior detected through permanent monitoring of each military professional is promptly punished at one of the following levels:

- Disciplinary, by means of applying educational sanctions; and
- Justice, which in more serious cases could imply the exclusion of the military person

Furthermore, of course, the Brazilian military is not immune from the penalties of the Criminal Code.

Another aspect that deserves attention in terms of possible vulnerability to corruption is, no doubt, the issue of pay for active and retired military. Brazilian pay is not different from most countries: it is below the remuneration standards of the equivalent levels at private enterprise and even below that of certain segments of the Federal Government civilian employees. However, this is compensated by the Pension System provided by the Union to its military. The Brazilian Armed Forces is to provide the military family -as a parallel benefit - social benefits to help them satisfy their requirements. Among those, we have the specific health support, incentives for creation of clubs and associations geared to leisure activities; and some help to facilitate housing, transportation, etc.

I tried to provide you with summarized information that explains the positive employment of the Brazilian Armed Forces in preventative actions against crimes linked to corruption. The Brazilian society recognizes it as indicated by a recent public opinion poll by specialized organizations, that evaluated the degree of reliability on national institutions. The Armed Forces came out in an outstanding position with 82%.

In closing, I want to thank you for your attention and for the opportunity to absorb new knowledge through your gratifying company. Even though we recognize the importance of this

exchange in an effort to confront corruption, we are certain that the positive result will depend on our own effort, following the advice given by Abraham Lincoln:

“You will not be able to help men permanently if you do for them what they can and should do for themselves”

Third Topic Introduction

Secretary Caldera/Minister Lloreda

Secretary Caldera:

Our third and final topic this afternoon focuses on the mechanisms to identify and respond to corruption. Recognizing that our legal systems can be quite different, our panelists will emphasize those principals and practices that have the broadest possible application.

Minister Lloreda:

Our last two panelists will discuss aspects of the investigative and judicial process. General Teerawat from Thailand will discuss ways to uncover, investigate and prosecute military members who commit abuses. Following his presentation, Colonel Carter from Canada will discuss a need for an independent investigative arm and effective military justice code and system and a complementary civil justice system.

Dealing with Corruption in the Royal Thai Armed Forces

**General Terrawat Putamanonda
Director General
Military of Defense, Thailand**

This paper presents mechanisms and practices that the Royal Thai Armed Forces have experienced in dealing with corruption. As the armed forces of a developing country, our experiences may be unique and are quite different from those of armed forces of other nations. Moreover, similar to many countries, missions of the Thai military forces are not only concerned with external threats, but also internal stability needed for national development as well. The comprehensive/multi-dimensional security concept which is rooted in the total national defense strategy, requires the military forces to support national building in missions other than war, such as suppressing illegal activities (drug trafficking, illegal arms trade, illegal immigrants, etc.), as well as protecting the environment and rural development. Although these activities are not the primary tasks, the use of Thai military forces in maintaining internal order can sometimes expose personnel to opportunities conducive to corruption and unethical practices. The following Thai practices and experiences may be of some benefit to other countries.

Military Justice System

In the military justice system of the Ministry of Defense of Thailand (which may be very similar to those of other countries), military personnel must abide by the civil justice system in addition to the military justice system. When a military person acts alone by himself or herself and is charged with a criminal offense, he or she will be prosecuted under the military justice code according to the Military Court Organization Act B.E. 2498 (1955 AD). Under normal circumstances, if collaboration with non-military person or persons can be proven, he or she can and will be prosecuted under the civilian justice system. However, the military court likely gives harsher sentences when compared to those in a civilian court. The fact is that basis judgement is

the same in both courts, but the military court adds in disciplinary measures on top of the penal code.

If the offense is non-criminal, the commander of the military person can punish the person using the Military Discipline Act B.E. 2476 (1933 AD), in addition to punishment according to the civil code which personnel may receive under the civil justice system. As a consequence, military personnel are placed under tighter rules, that constrain his or her behavior, than those of a civilian. Specifically, the commander has a range of options under the Military Disciplinary Act B.E. 2476 in order to deal with mild unethical practices of his subordinates. Against corruption and more serious unethical practices, all military personnel are subjected to scrutiny under an effective military justice code and system as well as under civil justice code and system.

Anti-Corruption Mechanisms

In addition to the military justice system mentioned above, there are methods and mechanisms in place to prevent, discover, investigate and prosecute corruption and unethical practices within the ranks and files of the Thai military organization from privates up to top commanders. At unit level, there are legal officers (Judge Advocate General's Corps) assigned to the regiment (brigade) and above. The legal officer is a special staff of the commander and will serve as prosecutor for that unit. If the commander wants a certain case thoroughly investigated, he may request a team of military investigators (military police) from a military region in his area. Although the military formations at different levels have legal officers and military investigators as mechanisms to discover, investigate and prosecute corruption and unethical practices, these mechanisms have, by no means, been designed as substitutes for similar mechanisms in the civil justice system.

At higher military echelons, i.e., the three Service Headquarters, the Supreme Command Headquarters and the Office of the Permanent Secretary of Defense, there are internal auditing offices that are tasked to discover wrong-doing in the use of the annual budget. Also at these levels, the commanders have Inspectors General whose missions are to discover and investigate

not only unethical practices of subordinate units but also suspected corruption. In addition, the Ministry of Defense is organized to have an Inspector General whose oversight responsibility covers all units and all defense commanders. The Defense Inspector General is appointed by the Minister and reports any wrongdoing directly to the Minister. In short, the office of the Defense Inspector General serves as an independent investigative arm of the Ministry.

In general, the Thai Military Society is based on the Asian society's concepts of "extended family." Commanders try to create a bond of friendship between themselves and their subordinates. In many cases, commanders become father-like figures in the minds of their soldiers. This unique relationship can help to prevent or disclose corruption and unethical practices, although a lot depends on leadership and moral quality of the commanders. However, the opposite can also happen as a compromising attitude sometimes prevails. In many instances, would-be whistle blowers are reluctant for not wishing to destroy unit harmony. One of the prime examples is the widespread corruption in the conscription process (70-80% of pending cases in military courts). To stamp out these disruptive practices, the method of frequent rotation in the recruiting team is used. Additionally, officers with good career prospect and uncompromising character, such as battalion commanders, are employed in the closely supervised annual cooperation. Once a corruptive practice is detected, the full extent of military justice and disciplinary system is applied.

Governmental Mechanisms

At the government level, Office of the Prime Minister has the Office of the Commission of Counter Corruption (OCCC) as yet another independent investigative arm on corruption. The OCCC can investigate any government organization including the Ministry of Defense as ordered by the Prime Minister. In addition, there is an independent public agency called Office of the Auditor-General of Thailand (OAG) which has the authority to audit any government organization's discharging of the annual budget at any time, provided that a short notice is given.

"Power tends to corrupt. Absolute power corrupts absolutely." These phrases are familiar words of the critics of authoritarian regimes. In the past, the Thai military was involved in Thai politics

and therefore was prone to corruption and unethical practices. Although there were democratic institutions and processes in place, such as the Parliament, the Senate, the House of Representatives as well as general elections, the prominent role of the military in fighting the corruption was not uncommon. With this in mind, if one were to examine the effectiveness of the mechanisms to discover, investigate and prosecute corruption and unethical practices in the Royal Thai Armed Forces and the Thai Ministry of Defense in the past, one would see the weakness in the independent investigative arms that oversee the Thai military.

Recent Changes

In the last two or three years, there has been a major change in the Thai politics as well as the Thai military. The change has culminated in the new Constitution promulgated in December 1997. The Constitution has set course for major political and bureaucratic reforms, which demands transparency, accountability and effectiveness. These demands have strengthened the mechanisms, especially the independent investigative arms that oversee all the bureaucratic institutions including the military. In general, the Constitution gives the people more opportunity to scrutinize not only politicians, but also bureaucrats and military leaders as well. The economic crisis that has hit Thailand since mid-1997 and spread its contagious effect to other parts of the world, has served as a catalyst for the reforms. This is because the effect of the economic crisis on the social fabric of Thai society has raised the people's expectations of the politicians and the bureaucrats to be more effective, more transparent and more accountable.

The new 1997 Constitution with 336 articles serves as a detailed guideline in setting up new mechanisms to fight against corruption and unethical practices of politicians and bureaucrats. The Constitution devotes a whole chapter on scrutiny of state authorities. Six articles in this chapter lay out details on declaration of assets and debts of politicians. At present, the current government is drafting a new bill which requires top bureaucrats, including all commanders of major components of the Armed Forces, to declare to the public their assets and debts before and after taking up their portfolios. The constitution stipulates setting up the National Commission on Counter Corruption appointed by His Majesty the King as suggested by the Senate. This Commission will be truly independent and more effective than the Office of the Commission of

Counter Corruption (OCCC) previously under the Office of the Prime Minister. The Office of the Auditor-General has also been upgraded to be more independent and effective in the same way as the National Commission on Counter Corruption. In addition, the Constitution stipulates formation of the Governance Court where general public can file suit against government organizations and/or government officials in case of ignorance or wrong-doing on part of the latter.

As a part of the political and bureaucratic reforms and an effort to create transparency, the Parliament promulgated the Official Information Act of 1997. This Act is an unprecedented law that empowers the general public with the right to know. It also could lead to discovering and investigating corruption and unethical practices in political and bureaucratic institutions. In utilization of the Act, the Thai media, one of the most free and vocal in the world, tends to echo the general public sentiments well. The high degree of freedom which the Thai media currently enjoys makes this mechanism of anti-corruption much more formidable. Information previously referred that is processed by the Office of the Official Information Committee, Office of the Prime Minister.

Since Thailand is adjacent to the Golden Triangle, it is perhaps useful to touch on narcotics problems in relation to corruption and unethical practices. It is undeniable that narcotics have corruptive influence on every community and society. Narcotics suppression is one of the most important national agenda for Thailand. The Royal Thai Armed Forces are actively involved in the campaign against the whole cycle of narcotics, especially in the northern part of the country. However, with the involvement of military personnel in the campaign, some of the personnel are accused of being drug traders or distributors. To prevent corruptive influence on military personnel and other government officials involved in the campaign, the Office of the Prime Minister has recently issued a regulation on preventing state officials from getting involved with narcotics. The regulation spells out in detail procedures and measures in order to discover, investigate, and prosecute those officials under corruptive influence of narcotics. The supervisors or the commanders will be held accountable for their ignorance or ineffectiveness in dealing with those officials. Strong disciplinary measures will be used even when evidence in a certain case are not clear.

Conclusion

In conclusion, the mechanisms that are used in the Royal Thai Armed Forces as described above can be effective only as long as the top commanders use them with strict professionalism. A compromising attitude is one of the Thai cultural traits that sometimes renders these mechanisms powerless, because the actual practices are not in accordance with the rules and regulations. In addition, the influence that the Thai military had over Thai politics in the past had, on occasion, shielded the Royal Thai Armed Forces from independent investigative arms of the government who were supposed to bring the culprits to justice. However, with the new Constitution together with political and bureaucratic reforms, the Armed Forces' approaches to this problem are now required to be more professional and systematic. Independent investigative arms are made more independent and more effective and the role of the Royal Thai Armed Forces is apolitical. In fact, the Armed Forces seem to be content with the current situation where an honest and "clean" civilian politician is taking the defense portfolio. With the Armed Forces becoming more professional, the old and new mechanisms that are in place to discover, investigate and fairly prosecute corruption and unethical practices will be more effective than ever. The use of the military forces in maintaining internal order and supporting national building according to the comprehensive security concept will be undertaken with strict professionalism.

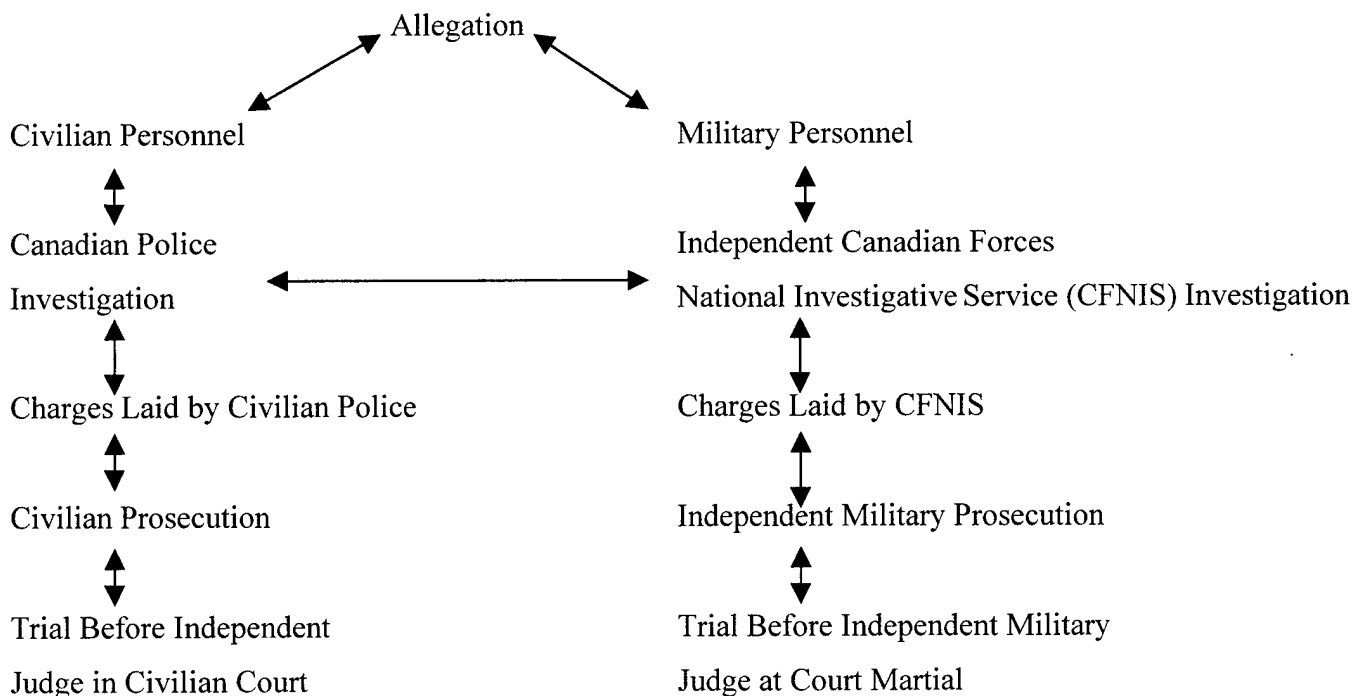
Dealing With Allegations of Corrupt Practices in the Canadian Forces

Colonel Kim Carter
Acting Director of Military Prosecutions
Canadian Forces, Canada

Methods of Detection

- Policies
- Training
- Special Programmes
- Audits
- Administrative Inquiries

Methods of Dealing with Allegations of Serious or Sensitive Offences



Typical Offences

- Fraud
- Improperly Accepting a Benefit
- Stealing
- Possession of Property Obtained by Crime

Subsequent Actions

- Individual Administrative Review
- Policy Review
- Training
- Awareness Programmes

Independent Oversight

- Military Police Complaints Commission
- Professional Licensing and Disciplinary Organizations
- Civilian Courts
- Parliament

Social/Institutional Forces Impacting Upon Corruption

- Expectations
- Reputation
- Compensation
- Addiction
- Training
- Resources

Amendments to the National Defence Act

Background and Amendment Highlight

BACKGROUND

The Military Justice System

The statutory basis for the Canadian system of military justice is set out in the *National Defence Act* (parts IV to IX.1) and is known as the *Code of Service Discipline*. The *Code*

- sets out who is subject to the military justice system
- establishes military offences such as striking a superior, disobedience of a lawful command and absence without leave
- incorporates all offences under the *Criminal Code*, other federal statutes, and foreign laws
- establishes service tribunals for the trial of service offences--the summary trial and the court martial.
- establishes a process for the review of findings and sentences after trial.

The military justice system is designed to promote discipline, efficiency, high morale and justice in the forces. As Chief Justice Lamer of the Supreme Court of Canada explained in *R. v. G  n  reux* in 1992:

“The purpose of a separate system of military tribunals is to allow the Armed Forces to deal with matters that pertain directly to the discipline, efficiency, and morale of the military. The safety and well being of Canadians depends considerably on the willingness and readiness of a force of men and women to defend against threats to the nation’s security. To maintain the Armed Forces in a state of readiness, the military must be in a position to enforce internal discipline effectively and efficiently. Breaches of military discipline must be dealt with speedily and, frequently, punished

more severely than would be the case as a civilian engaged in such conduct. As a result, the military has its own *Code of Service Discipline* to allow it to meet its particular disciplinary needs. In addition, special service tribunals, rather than ordinary courts, have been given jurisdiction to punish breaches of the *Code of Service Discipline*. Recourse to the ordinary criminal courts would, as a general rule, be inadequate to serve the particular disciplinary needs of the military. There is thus a need for separate tribunals to enforce the special disciplinary standards of the military.”

While a separate system of military justice is required to deal expeditiously, decisively and fairly with service offences, it is essential that the system responds to the requirements of the *Canadian Charter of Human Rights and Freedoms* and meet the expectations of Canadians. Unfortunately, military justice has been criticized in recent years and a number of incidents have highlighted deficiencies in the *Code of Service Discipline*. The deficiencies call into question the capacity of the *Code of Service Discipline* to promote discipline, efficiency, high morale, and justice in the Canadian Forces.

In the last two years there were two special reports and one major inquiry that dealt with, among other things, issue of military justice in the Canadian Forces.

Dickson Special Advisory Group

The Special Advisory Group on Military Justice and Military Police Investigation Services was chaired by the Right Honouable Brian Dickson, former Chief Justice of the Supreme Court of Canada. The Special Advisory Group was given a mandate to assess the *Code of Service Discipline* in light of its underlying purpose and the requirement for portable service tribunals capable, with prompt by fair processes, of operating in time of conflict or peace, in Canada or abroad.

The report of the Special Advisory Group was submitted on March 14, 1997.

Somalia Commission of Inquiry

A Commission of Inquiry, chaired by the Honourable Justice Gilles Létourneau, was established to inquire into and report on the chain of command system, leadership, within the chain of command, discipline, operations, actions and decisions of the Canadian Forces and the actions and decisions of the Department of National Defence in respect to the Canadian Forces deployment to Somalia.

The Commission of Inquiry submitted its report to the Government on June 30, 1997.

The Second Dickson Report

The Special Advisory Group prepared a second report, in response to a request by the former Minister of National Defence, on the quasi-judicial roles of the Minister under the *Code of Service Discipline*.

The second report was submitted to the Government on July 25, 1997.

Responding to the Need for Change

The Special Advisory Group concluded in its first report that there was a clear need to retain a separate and distinct military justice system, workable in peace or conflict, in Canada or abroad. However, it recommended comprehensive changes touching all aspects of military justice and military police investigative services.

The need for changes to the military justice system and to military police investigation services in the Canadian Forces had been recognized by the Department and the Canadian Forces. The review by the Special Advisory Group complemented and supported ongoing internal reform.

In its report on the Minister's quasi-judicial roles, the Special Advisory Group recommended that the Minister be divested of the majority of these roles to better avoid potential conflicts of interest between these roles and the Minister's executive duties and powers.

Although more critical in tone than the Special Advisory Group Report, the Somalia Commission Report recommendations substantially track those of the Special Advisory Group in most areas related to military justice.

In response to recommendations from the Special Advisory Group and the Somalia Commission of Inquiry, the government has introduced amendments to the *National Defence Act* aimed at modernizing and strengthening the military justice system.

The proposed amendments involve a wide variety of specific changes that would strengthen the Canadian Forces as a vital national institution and more closely align the military justice system with current Canadian values and legal standards, while preserving those characteristics of the system required to satisfy the unique requirements of the Canadian Forces.

AMENDMENT HIGHLIGHTS

The amendments to the National Defence Act would modernize the *Code of Service Discipline* and would promote integrity and fairness within the military justice system by

- clarifying the roles and responsibilities of its various actors
- clearly separating, on an institutional basis, the system's investigative, prosecutorial, defence and judicial functions
- completing summary trial reform
- strengthening oversight and review
- eliminating the death penalty

KEY ACTORS IN THE MILITARY JUSTICE SYSTEM

Minister of National Defence

The Minister of National Defence has a variety of discretionary oversight duties under the *National Defence Act*. For example, the Minister may suspend a period of detention or imprisonment awarded at a service tribunal.

Eliminating the Minister's quasi-judicial roles in respect of individual cases would remove the Minister from the routine administration of the *Code of Service Discipline* and therefore permit the Minister to focus on other duties. The Minister would still retain overall responsibility for the military justice system.

Amendments to the National Defence Act would eliminate or transfer the discretionary oversight duties of the Minister of National Defence in relation to the following areas:

- appointing superior commanders for summary trials
- convening General and Disciplinary Courts Martial
- approving punishment of dismissal and dismissal with disgrace for officers
- deciding whether to dispense with a new trial ordered by the Court Martial Appeal Court

- **suspending detention or imprisonment**
- **making final decisions in the grievance process**

Judge Advocate General

The requirement for specialized legal advice in the area of military law is of utmost importance to the Department of National Defence and to the operational effectiveness of the Canadian Forces. The Judge Advocate General (JAG) has, since 1911, acted as legal advisor to the Governor General, the Minister of National Defence, the Department and the Canadian Forces. Legal officers in the Office of the JAG give advice in respect of the investigation and charging of service offences, as well as serve as prosecutor and defence counsel before courts martial.

While the requirement for military legal advice is well established, there remains uncertainty and misconceptions about the duties and responsibilities of the JAG to provide such advice. Setting out these duties and responsibilities in the *National Defence Act* would clarify the roles of the Office and strengthen its institutional independence.

Amendments of the *National Defence Act* would

- **Set out the qualifications for appointment to the position of Judge Advocate General**
- **Describe the principal duties of the Judge Advocate General namely, to**
 - **Act as legal adviser to the Governor General, the Minister of National Defence, the Department of National Defence, and the Canadian Forces in matters relating to military law**
 - **Superintend the administration of military justice in the Canadian Forces by conducting regular reviews of the administration of military justice.**

Director of Military Prosecutions

Under the current *National Defence Act* and the *Queen's Regulations and Orders for the Canadian Forces*, the prosecutor for a court martial is appointed by the senior military authority who convenes the court martial. The authority decides the type of court martial to hear the case.

The military prosecutor is the direct agent of the senior military authority who convenes a court martial and has no independent authority to amend charges or to proceed or not proceed to trial.

Enhancing the separation between the prosecution function at courts martial and the chain of command would provide greater assurance that prosecution decisions would be made free from external influences and that the potential for conflict of interest would be reduced.

Amendments to the *National Defence Act* would

- Authorize the Minister of National Defence to appoint a Director of Military Prosecutions for a term not exceeding four years
- Make the Director responsible for the conduct of all prosecutions at courts martial
- Authorize the Judge Advocate General to provide both general and case-specific instructions in writing to the Director and require the Minister to be informed of such instructions

Military Judges

To enhance the institutional independence of military judges, amendments would be made to the *National Defence Act* that relate to the appointment, terms and functions of military judges, including the Chief Military Judge. These changes largely reflect rules that are already in place in regulations.

Amendments to the *National Defence Act* would

- **Authorize the Governor in Council to appoint military judges and to designate a Chief Military Judge to be responsible for assigning military judges to courts martial**
- **Provide for a fixed term for military judges and security of tenure**
- **Provide that the role of military judges is to preside at courts martial and to perform other judicial duties under the *Act*.**

To further enhance the independence of the military judges, the office of the Chief Military Judge has been established as a separate unit. Military judges are not responsible to the chain of command for the performance of judicial duties.

Court Martial Administrator

At present, members of court martial panels are appointed by the Chief Military Judge. This administrative duty may be seen to conflict with the judicial duties of the Chief Military Judge.

Amendments to the National Defence Act would

- **provide for the appointment of a Court Martial Administrator who would be responsible for**
- **Convening courts martial**
- **Appointing the members of court martial panels**
- **Performing other administrative functions associated with the convening of courts martial.**

Defence Counsel Services

Legal advice may be sought by a person arrested or detained under the *Code of Service Discipline*. If a court martial is convened, the accused may request legal representation by military defence counsel.

Enhancing the separation between military defence counsel and the other actors in the military justice system would provide greater assurance that persons subject to the *Code of Service Discipline* receive independent legal advice.

Amendments to the *National Defence Act* would

- **Authorize the Minister of National Defence to appoint a Director of Defence Counsel Services for a term not exceeding four years make the Director responsible for the supervision of legal services provided to persons in proceedings under the Code of Service Discipline**

- **Authorize the Judge Advocate General to provide general directions in writing to the Director.**

SERVICE TRIBUNALS

There are two types of service tribunals that try military offences – summary trials and courts martial.

Summary Trials

Summary trials are service tribunals conducted primarily by commanding officers or their delegates. They have been designed to deal with minor service offences where the possible punishments are not too severe. The object is to deal with the alleged offences quickly, within the unit, and to return the member to the unit as soon as possible, thereby promoting and maintaining unit discipline and operational effectiveness.

Over 90% of all disciplinary proceedings are dealt with by summary trial.

Summary trials provide fewer procedural protections than courts martial. Reform is directed at modernizing the summary trial process, strengthening compliance with the Canadian Charter of Rights and Freedoms, and enhancing procedural fairness while maintaining its essential summary character.

The two most severe punishments that a commanding officer presiding at a summary trial may currently impose are detention (a form of incarceration) for a period not exceeding 90 days and reduction in rank from sergeant to private (a reduction of two ranks). The punishment of detention includes the accompanying punishment of reduction to the rank of private and forfeiture of pay. A decision to impose either punishment must be approved in most cases by a senior officer outside the unit. These punishments are considered to be too severe given that a summary trial is designed to deal only with the more minor service offences.

Amendments to the *National Defence Act* would

- **reduce the maximum period of detention that may be awarded at summary trial from 90 to 30 days**
- **limit the power to reduce an accused's rank to one rank below the rank held before the summary trial.**

To complement these changes to the *National Defence Act*, amendments to the *Queen's Regulations and Orders for the Canadian Forces* will:

- restrict the offence jurisdiction of summary trials to those offences, including a small number of criminal offences, that are more minor in nature
- ensure that an accused person would
- have the right to elect trial by court martial in all but the most minor cases where there is no possibility that penal consequences will be awarded
- receive all information in respect of a charge before trial and, where there is an election, before making the election
- ensure that an accused has access to legal counsel when deciding whether to elect summary trial or a court martial
- provide that members sentenced to detention would be paid at a private's rate of pay during the period of detention
- restore pay and rank on completion of a sentence of detention, unless reduction in rank was also awarded as a punishment at the summary trial.

In addition, commanding officers would receive more comprehensive training to carry out their military justice duties and responsibilities, including formal certification to conduct summary trials.

Courts Martial

The court martial is designed to deal with more serious offences and is conducted in accordance with rules similar to those at a civilian criminal court.

Functions of the Presiding Judge. General and Disciplinary Courts Martial are composed of a judge advocate who officiates and a panel of officers. The panel of officers is roughly analogous to a jury. The *National Defence Act* authorizes the President of a court martial panel, who is not legally trained, to make certain decisions that in Canadian criminal practice would be judicial decisions. The President and other officers on the court martial panel also determine the sentence. While these officers bring military experience to the military justice process, and also provide the input of the military community responsible for discipline and military efficiency, the members are not trained to determine sentences. Submissions by counsel and instructions from the judge advocate may not compensate for the deficiencies in experience and qualifications. Panels also do not give reasons for awarding a particular sentence.

Amendments to the *National Defence Act* would

- **eliminate the position of “President” of court martial panels**
- **authorize the military judge presiding at a General Court Martial, or Disciplinary Court Martial, rather than the President, to make decisions of a legal nature**
- **provide that the military judge presiding at a General or Disciplinary Court Martial, rather than the members of the court martial, determines the sentence.**

Membership of Court Martial Panels. Currently, only officers can sit as members of General and Disciplinary Courts Martial panels. Senior non-commissioned members have experience and leadership responsibilities that can bring an important dimension to court martial panels and better reflect the spectrum of individuals responsible for the maintenance of discipline and morale.

Amendments to the *National Defence Act* would permit a non-commissioned member of the rank of warrant officer or above to serve as a member of a Disciplinary Court Martial or General Court Martial when the accused is a non-commissioned member.

Sexual Assault. Sexual assaults committed in Canada by persons subject to the *Code of Service Discipline* may only be tried by civilian courts and not by service tribunals. This lack of jurisdiction to try sexual assault cases committed in Canada results in an inability to deal promptly with offences that undermine morale and unit cohesion, lessen mutual trust and respect, and ultimately impair military efficiency. The Canadian Forces presently has jurisdiction to try the vast majority of other federal offences.

Amendments to the *National Defence Act* would permit a court martial to try sexual assault committed in or outside Canada by persons subject to the *Code of Service Discipline*.

Detention. The *National Defence Act* currently authorizes the imposition of a maximum period of two years of detention. In light of the rehabilitative nature of the punishment, this two-year maximum period is considered to be excessive, particularly where the alternative punishment of imprisonment is available at all types of court martial.

Amendments to the *National Defence Act* would reduce the maximum period of detention that may be awarded by a court martial from two years to ninety days.

Fines. The *National Defence Act* limits the amount of a fine that may be imposed by a court martial on a member of the Canadian Forces to three months basic pay and on a civilian subject to the *Code of Service Discipline* to \$500. These maximums are inadequate for many first-time offenders and do not leave the court with flexibility to deal with repeat offenders. Removal of the limits on the amount of a fine that can be imposed on either a Canadian Forces member or a civilian subject to *Code of Service Discipline* would provide greater sentencing flexibility and allow court martial fines to be brought in line with *Criminal Code* fines.

Amendments to the *National Defence Act* would remove the monetary limit on fines that may be imposed.

Limitation Period

The three-year limitation period on the prosecution of service offences under the National Defence Act can operate to frustrate disciplinary action in respect of service offences that are either not reported or disclosed within this period, or are complex and lengthy to investigate. The three-year limitation period would be repealed. However, a one-year limitation period would be appropriate for offences intended to be dealt with by summary trial proceedings, because summary trials are designed to deliver prompt but fair justice.

Amendments to the National Defence Act would

- **Remove the three-year limitation period in respect of service offences**
- **Permit the accused to have the benefit of any applicable civilian limitation periods where a civil offence is incorporated into the *Code of Service Discipline***
- **Impose a one-year limitation period for offences dealt with by summary trial.**

Included Punishments

The *National Defence Act* provides for mandatory included punishments in certain cases. For example, where a non-commissioned member is given a term of imprisonment, the *Act* deems that a punishment of loss of rank is included as an additional sentence.

These included punishments can give rise to an injustice because they are arbitrary and apply without exception when the primary punishment is awarded.

Amendments to the *National Defence Act* would

- **If a non-commissioned member above the rank of private is sentenced to detention, deem that person to be reduced to the rank of private for the period of detention only**
- **Change other mandatory included punishments to discretionary accompanying punishments.**

The regulations would provide that a non-commissioned member sentenced to detention be paid as a private for the period of the detention. Officers and non-commissioned members sentenced to imprisonment would not be paid.

INVESTIGATION AND CHARGING

The current investigation and charging process lacks transparency and gives broad discretion to a commanding officer to make final decisions concerning not only minor offences but also serious and sensitive offences that implicate interests well beyond his or her individual unit. In addition to a more independent role for the prosecutor, a number of changes to the legislative, regulatory and administrative provisions dealing with the investigation and charging of service offences would increase openness and impose better structure on the exercise of individual discretion, while retaining the valuable and essential participation of the chain of command.

Amendments to the National Defence Act would

- **Remove from commanding officers the power to dismiss charges**
- **Require that a charge that is beyond the jurisdiction of commanding officers be referred to the Director of Military Prosecutions**
- **Permit a charge to be referred to the Director of Military Prosecutions if a commanding officer decides not to proceed with the charge**
- **Assign to the Director of Military Prosecutions the responsibility for**
 - **Determining the charges to be tried by court martial**
 - **Determining the type of court martial**
 - **Conducting all prosecutions at courts martial.**

Amendments to the *Queen's Regulations and Orders for the Canadian Forces* and administrative policies will

- **Establish a National Investigation Service (NIS), a specialized military police unit outside of the operational chain of command reporting directly to the Vice Chief of the Defence Staff through the Canadian Forces Provost Marshal**

- Assign to the NIS the primary responsibility to investigate all serious and sensitive offences
- Require commanding officers to report all serious and sensitive service offences to the newly established NIS
- Authorize investigators of the NIS to lay charges arising from their investigations, subject to the approval of the Director of Military Prosecutions
- Require commanding officers to consult legal advisers in making investigations and charging decisions in respect of serious offences and to state reasons in writing where that advice is not accepted.

STRENGTHENING OVERSIGHT AND REVIEW FUNCTIONS

In order to ensure that the military justice system is fair and meets the expectations of those who are subjected to it, oversight and review mechanisms must be in place to ensure day-to-day decisions are effectively monitored and are capable of being reassessed.

Grievances

While court martial decisions may be appealed to a panel of civilian judges in the Court Martial Appeal Court, the internal grievance system is presently the only internal review mechanism available to Canadian Forces members who feel they have suffered any other personal oppression, injustice or other ill treatment. The grievance process has been generally seen to be achieving its objectives, but it involves too many levels of review and is perceived as being too close to the chain of command.

Amendments to the *National Defence Act* would

- **Remove the Minister's involvement in individual grievances**
- **Create an external Canadian Forces Grievance Board with jurisdiction to deal with grievances related to the administration of the affairs of the Canadian forces with the following major features;**
 - **The Board would make findings and provide recommendations in relation to grievances submitted to the Chief of Defence Staff**

- **The Chief of the Defence Staff would not be bound by the findings and recommendations of the Board but would be required to provide reasons for not following the Board's findings or recommendations**
- **The Board would have the authority to conduct oral hearings and compel the attendance of witnesses and the production of documents**
- **The Board would report annually to the Minister and the report would be tabled in each House of Parliament**

Military Police

Military police exercise jurisdiction over all persons who are subject to the *Code of Service Discipline* in or outside of Canada, including civilians who accompany the Canadian Forces outside of Canada. As peace officers under the *Criminal Code*, they also have jurisdiction over a person not subject to the *Code of Service Discipline* while the person is on a defence establishment.

Military police have responsibilities both for police functions, such as crime prevention and investigations and for military functions, such as route reconnaissance, custody of prisoners of war, and supervision of detention barracks.

Military police are presently under the control of operational commanders in the field. The practical result of this reporting arrangement is that military police duties that are of an essentially military nature are frequently in conflict with their roles as police.

As well, there is no independent method of dealing with complaints that arise concerning the conduct of military police. These two factors and inadequate training have created a lack of confidence in the competence and accountability of the military police.

To remedy the accountability problem, the control of intelligence and counter-intelligence work has been placed outside the military police chain of command. The control of military police when they provide operational support would remain with operational commanders.

The National Investigation Service (NIS), a military police unit of the Canadian Forces, has been established to provide specialized, independent and professional investigative services to the Canadian Forces on a national and international basis. The NIS will provide all investigative services for serious or sensitive matters or matters that require complex or specialized investigation.

Training for the military police will be enhanced by the introduction of a comprehensive training process.

Amendments to the *National Defence Act* would

- **establish a Military Police Complaints Commission, independent of the Department of National Defence, to review, investigate and report on**
 - **Complaints about the conduct of a member of the military police conducting an investigation**
 - **Complaints about improper interference by military authorities or senior officials of the Department with a member of the military police conducting an investigation**
- **Require an annual report of the Military Police Complaints Commission to be tabled in Parliament**
- **Authorize the establishment of a professional code of conduct to govern the conduct of military police.**

Reporting on the Administration of Military Justice

Concern has been expressed about the lack of systematic reporting on the administration of military justice. An annual report would be an effective management tool for the Minister, the chief of the Defence Staff and the Government.

Amendments to the *National Defence Act* would

- **Require the Judge Advocate General to report annually to the Minister of National Defence on the administration of military justice in the Canadian Forces**
- **Provide for a report of the review to be tabled in Parliament.**

Review of the National Defence Act

A review of the National Defence Act in five years is necessary to ensure that the *Act* continues to reflect Canadian values and legal standards while preserving its capacity to meet essential military requirements.

Amendments to the *National Defence Act* would

- **Require the Minister of National Defence to have a review carried out of the provisions and operation of the *Act* five years after the amendments come into force**
- **Provide for a report of the review to be tabled in Parliament.**

ELIMINATION OF THE DEATH PENALTY

The death penalty is no longer considered to be required as a punishment for service offences under the *National Defence Act*. Eliminating the death penalty would align Canada's military law with civilian law and with the approach taken by most western nations with which Canada has strong ties.

Amendments to the *National Defence Act* would

- **Remove the death penalty from the scale of punishments that may be imposed in respect of service offences**
- **Substitute for the most serious offences involving traitorous acts the punishment of life imprisonment with ineligibility for parole for twenty-five years.**

CONCLUSION

The proposed amendments to the *National Defense Act* follow through on recommendations of the special Advisory Group on Military Justice and Military Police Investigation Services, and respond to recommendations in the final report of the Commission of Inquiry to the Deployment of the Canadian Forces to Somalia.

Amendments to the *National Defence Act* would

- **Promote greater accountability and transparency in the military justice system**
- **Maintain portable service tribunals capable, with prompt but fair processes, of operating in time of conflict or peace, in Canada or abroad.**

These amendments, plus ongoing reform in regulations, orders and administrative policies, will strengthen the Canadian Forces as a national institution in which Canadians may continue to impose their trust and confidence.

Summary Statement

Secretary Caldera

Thank you very much to our distinguished panel members, all of our distinguished visitors today who participated in this panel. As a former soldier and civilian charged with the responsibility for the military, I have great love and appreciation for the honor and integrity that resides at the heart of the military member for upholding the values of their country and the special role that they have to play.

The discussions that we have had today are stimulating and fruitful and of great importance. This has been a learning experience for me, as I think it has been for all of us as we develop a deeper appreciation for the factors that contribute to corruption and the ways to minimize their effects through preventative measures, through exposure, and punishment. Perhaps it would be useful if we gathered again to consider in more detail specific topics like the corrupting influences of drug trafficking and criminal organizations and arms dealers.

As Dr. Hamre pointed out in his keynote address, these criminal enterprises have powerful motives for corrupting national security forces and they have expanded their activities globally. Corrupting influences know no borders. Perhaps we should look at them regionally. They pose a threat to all of our nations. We need to work together, cooperatively, to neutralize their influence.

Implementing the ideals we have discussed will help promote ethical behavior in our militaries. The stronger the ethical climate is in the ranks, the stronger the bond of trust between our military departments and the people we are pledged to serve and protect.

I think I speak for Minister Lloreda when I say it would be a privilege to brief Vice President Gore tomorrow on the many facets and results of our discussion.

Summary Statement

Minister Lloreda

I want to congratulate each and every one of the distinguished panelists who have made their comments this afternoon. This presentation concludes the panel for this evening. Let me briefly summarize the key points our panelists have made.

During our first session on the role of national security forces, some key points emerged. First of all, the understanding of the nature of the role of national security forces in a society is essential for the development of mechanisms designed to address the specific threats of corruption faced in each individual nation. We have seen a number of examples this afternoon, not only from the United States with our Deputy Secretary, who in his introductory words, mentioned basically that the United States doesn't have all the answers. I would add that no one country has all the answers. We all have to share these experiences to find the answers.

In many instances, military institutions may be less susceptible to corruption than civil service institutions. This was mentioned by some of the speakers. Particularly this is so when the involvement of the military role in civil matters is kept to a minimum. When that involvement is greater, then the risk is greater. Corruption damages – the national security force's ability to accomplish its basic mission – the protection of society and of the state. This was very clear in all of the presentations.

During our second session, we considered corrupting influences and identified those who are most vulnerable. Corrupting influences depend on the degree and level of involvement of the national security forces in the civilian sector, as I just mentioned. The vulnerable individuals are those who have: first, control over funding (money); second, control over property and inside or privileged information; and third, control over decision-making authority. Also vulnerable are

those who frequently come in contact with individuals who have a strong interest in corrupting the individual service member.

Also, during the second session, we discussed ways to prevent corruption. A variety of approaches were suggested:

- Provide adequate compensation for career advancement. This was mentioned by many of the speakers.
- Promote integrity through recruitment criteria or screening in the selection of people.
- Establish ethics training, promotion criteria and adoption of international conventions against corruption. All of these are useful measures.
- Institute other approaches such as: minimizing nepotism, prohibiting revolving-door re-employment of personnel by defense contractors, rotating key personnel in positions known to be the target of corrupting elements, particularly in recruitment and especially when you have conscription.

In our third and final session, we discussed ways of dealing with corruption. Some of the key points that emerged and topics that were mentioned are:

- National security forces need a mechanism that exposes and punishes corruption. I think Colonel Carter's presentation is very useful in this respect.
- Internal and external oversight and control mechanisms are essential. These would include a respected military justice code, and a system, which includes an independent inspector general process within the services.
- A civilian justice system and oversight process, which complements the military system, yet has the power to hold the national security forces accountable.
- Accountability mechanisms are important, such as: Property control procedures; periodic audits; protection of whistle-blowers; personnel and investigative security

procedures that flag evidence of unexplained enrichment and require periodic financial disclosure. General Teerawat mentioned the fact that in his country, asset declarations are compulsory when entering and leaving the service.

- Mechanisms to promote transparency are valuable in exposing corruption. These include a reward system for information on corruption – non-governmental watchdog public policy – monitoring institutions, and of course, a free press.

The Deputy Secretary mentioned the fact that although sometimes we are all hit by the free press, we understand that this is part of the game and part of the struggle against corruption. The free press sometimes unveils things that are useful for us. Sometimes it can be unjust, but most of the time, it is very useful.

I hope that this review will provide a useful starting point for our discussion. The floor is open for your reactions, remarks, and questions. I would invite you, if you have any comments or questions, to please proceed.

Comments From The Floor

The panel was very interesting. We know a lot of new information about the war on corruption. But, I think that it is necessary to go further, really. It is necessary for us to discuss, and the last presentation was precisely the right idea. I think that the majority of you, and the people that are part of the floor are official representatives, and as official representatives, have limits, and a conscientiousness about exceeding these limits. Probably other people without constraints have to press a different view.

We live in a new world, with new and totally different missions for the Armed Forces and probably in a very few years, the Armed Forces will be totally different. This is something I think we need to approach next time.

I am moved by what I just heard and by the comments the Deputy Secretary made earlier about what an uncomfortable feeling one gets when discussing some of the problems relating to corruption and this new environment in which we are operating.

I will try to make this brief. It seems to me that in spite of many of the obvious changes that are part of this new environment, for the most part most of us continue to behave as though most things had not really changed - as though existing frameworks were adequate to deal with new challenges.

There are new players on the stage who have far greater influence in how our societies react to what is going on than they ever had before. America got its first taste of this phenomenon when the Vietnam War was played out in the homes of America on the six o'clock news. Today, the challenges that democracies are facing, particularly in this hemisphere, but all over the world include the requirement to instantly respond to challenges that are popping up from many corners, aided by interested, dedicated press, but also sometimes through the malevolent designs of enemies of institutions of democracy.

My question is with the new great role that non-governmental organizations (NGOs) have in our society, is it time to consider a way to help countries deal with the tremendous weight and power NGOs can focus on any particular society at any time. I don't know if I need to be more clear in what I am saying, that I know that in some countries of our world today, many of the greatest defenders in what we believe in as democracy, are under the greatest pressure by people who have targeted institutions and individuals who are effective in discrediting them. The rest of us sit uncomfortably by, unsure of how we can help and unsure of the precise institution through which our help might be useful.

One of the great challenges, of course, in globalization that corruption implies is that part of the benefit of transparency is that it invites economic development when the rule of law applies and when there is a legal system in which foreign investors have confidence. So the same corruption that erodes public trust in the government, also corrodes trust in those firms that are looking at this global world and thinking about where they want to make their investment.

So fighting corruption is very important in terms of economic consequences. In the short term, the displacement of workers is a very important issue. I think we need to look at strategies for combating drug fighting, that part of the assistance that needs to come with that and part of the support that comes with that is economic development such as helping to find alternative crops. For example, we need alternatives for growers of drug producing plants or other ways to de-link the economic incentive for those individuals who do not have other kinds of alternatives.

It is clear that even if that is the sole source of income, ultimately it has the capacity to destroy and undermine the society, both by addicting those who are involved with the drug trade and by the corrupting influence of those drug trafficking narco-dollars on the legal system, on prosecutors, on judges, on basing an economy on something that is productive and ultimately something that is going to give benefit in the international marketplace. I think there is a recognition that in those drug fighting efforts, that part of that effort and part of the anti-corruption efforts need to include support for economic development to help make this transition possible.

My country, along with others in South America, has problems with drugs. Drugs are the source of violence. Drugs finance all of the illegal groups that are dedicated to violence. One of the things that impresses me is that when security forces capture arms from guerillas, from private justice groups, from narcos, we have found the arms come from more than twenty countries. A lot of them are arms that are specifically from other armies or military forces that are earmarked as part of them. That means that there are a lot of corrupt officials all over the world that are selling their own arms, stealing them, and losing them. And they are going to the black market and they exchange them for drugs or for drug money.

This is a generalized situation that we have found. I don't know how extended it might be in other places of the world, but we have this particular point to bring up, because you have to think of every form of corruption--drug money going into violence and arms sales going out of a lot of the military establishments of the world. So we would encourage that you look at this also as part of a corruption scenario, that in our case, we have found to be of great concern.

One of the themes that has been weaving throughout the Corruption Conference during the last two days is the issue of how we promote a long-term discussion of the issue of corruption, not only in general as it is being portrayed at this conference, but for the specific issues that concern us. I'm kind of laying out the question to the panelists and to the other participants here that if we were to continue this discussion, what would be the best way to do it? Is there any value in doing it? I would guess that would be the first questions, and number two, if there is a value, how would we continue this type of dialogue?

I propose the idea of developing some of the best practices where you could take a problem and look at it from a variety of perspectives, and develop some options to solve it in different ways.

First, we must acknowledge that we have a problem and then start to solve this problem. Because with the officials being corrupted it is something you do in secret, and you try to cover it up whatever you do, and if you are still keeping up this activity without being detected, it provides you with a larger opportunity. Detection and follow-up action is very important to solve this problem.

Corruption is unique to each country's environment, but that does not mean that that we can't learn from each other. Many things I have heard the last couple of days really opened my eyes. In my country's Armed Forces we have a long way to go, but I think we can learn a lot from friendly countries that have similar problems. For example, as I mentioned to a colleague before coming over here to this session, perhaps we should think of starting something like a new code of conduct for our officers and men. We have one, but it is so obsolete. Something like that would be useful, and the way we are going to communicate. I think technology should play a part in this, and I am quite encouraged that many things have been exchanged on the Internet. Perhaps we could set up a website that we could exchange information on how we handle certain problems that might have some similarity in other member countries, and that might be a way to start it.

I think one practical thing would be to try to get all the information we can from presentations we have had today, and from other embassies and military attachés and representatives from different countries on the specific institutions and measures that are being taken on corruption. This would be very useful because in some countries, they might be going through the process of bettering their legal measures in this area and that would really help. That would be a suggestion if the organizers could pick up from all the counties that have been participating in this Forum, specific measures in their counties and institutions to deal with this subject. Maybe we could put this information together and distribute it.

I have listened with interest to the discussion this evening concerning drugs and corruption. Let me talk about the issue of drugs for example. There are many measures that I have listened to people put forward as addressing the issue of drugs and the production of drugs. So much thought has gone into its corrupting influence. But one thing we should also understand is that is not only the military. It is destroying the very fabric of every society, from the lowest to the highest.

Of course, it is easy access to money. There is a lot of risk involved with it. Would someone want to put all the effort into transporting? The risk involved is arrest, trial, and punitive

measures, if the advantages were not so much. What are the advantages here? Who is suffering? Is the money the advantage?

What can be done to kill the affinity for drugs? If there were no demand, supply would be useless. Can we actually discourage the affinity for drugs? I think this is one way forward. Punishment - if you hang somebody today, if you dismiss a military man, it doesn't discourage those who want to do it. I think we are all aware of this. What I believe should be the focal point is to discourage the affinity for drugs.

This is certainly one of the challenges and I know in the United States, the drug control strategy emphasizes both demand reduction and supply reduction. In response to the previous question, and one of the issues raised is, perhaps, we should ask what are the major forms of corruption that are of the greatest interest?

Is it contractors, is it misuse of property, or the use of soldiers to do work that is not public work, or is it organized crime and drug trafficking? Perhaps it would make sense to have another meeting which is more focused on those particular issues including addressing issues about what takes place in terms of that economic support system that one uses to transition a population that has been lowered to involve itself as a means of subsistence.

Report to the Vice President

Specialty Session: National Security Forces

Minister Lloreda

Purpose: (1) To address integrity and corruption issues in National Security Forces (NSF); (2) to foster cooperation to combat corruption in NSF institutions; (3) to facilitate promotion of effective mechanisms to recognize, prevent, and respond to corruption which targets NSF institutions in a national and multilateral context.

Findings:

1. Leadership by example, training and promotion of NSF core values of duty, honor, country are important components of effective NSF anti-corruption measures.
2. Types of corruption encountered depend on the role of the NSF in society, but potentially vulnerability increases with higher levels of NSF involvement in civilian activities such as counterdrug and border patrol missions.
3. Drug testing of NSF personnel has shown to be effective in curbing NSF vulnerability to corruption.
4. A free press, rotation of personnel in sensitive positions, providing NSF personnel with adequate compensation in the form of a living wage and pension benefits, and a military justice system that is fair, independent, and subject to civilian oversight, are important preventative measures.
5. No universal solution exists. Sharing information, regional meetings to address the issue of corruption in the context of drug trafficking, organized crime, and illegal weapons trafficking; and additional meetings of this group were recommended.

Panel Participants:

Co-chair Rodrogo Lloreda Caicedo, Minister of Defense (Colombia)

Co-chair Louis Caldera, Secretary of the Army (USA)

Dr. Armando Blasco, Secretary of Military Affairs (Argentina)

General Benedito Onofre Bezerra Leonel, Chief, Armed Forces Joint Staff (Brazil)

General Terrawat Putamanonda, Director, Policy and Planing Office, Ministry of Defense (Thailand)

Major General Mousa Moh'd Azouqa, Director of Armed Forces Officer Affairs (Jordan)

Colonel Kim Carter, Acting Director of Military Prosecutions (Canada)